

SWORN STATEMENT

OF

CHARLES RICE

Recorded on Monday, the 15th day of  
October, 2018, at the Law Offices of Sher,  
Garner, Cahill, Richter, Klein & Hilbert, 909  
Poydras Street, 28th Floor, New Orleans,  
Louisiana 70112.

REPORTED BY:  
LESLIE L. NICOSIA  
CERTIFIED COURT REPORTER

1                   A P P E A R A N C E S

2

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1 CHARLES RICE  
2 639 Loyola Avenue  
3 New Orleans, Louisiana 70113

4 after having first been duly sworn, was examined  
5 and testified as follows:

6 EXAMINATION BY MR. COMAN:

7 Q. Mr. Rice, good morning. My name is  
8 Matt Coman. I'm here with Judge Johnson,  
9 Mr. Lawrence, and Mr. Ibert. We, as you likely  
10 know, have been retained by the New Orleans City  
11 Council to conduct an investigation on their  
12 behalf into various allegations concerning  
13 Entergy that arose in May of 2018. Is that your  
14 understanding, Mr. Rice?

15 A. Yes.

16 Q. This is a sworn statement. If you  
17 want to go off the record, if you need to take a  
18 bathroom break or take a phone call, please feel  
19 free to let us know. We will certainly  
20 accommodate that. This is not a marathon or a  
21 test.

22 How long have you worked for Entergy,  
23 Mr. Rice?

24 A. This is actually my second stint with  
25 the company. The first time, I think I joined  
in 2000, probably that summer. I left in 2002.

1 The second time I joined, I believe, in June of  
2 '09. I'm still presently employed by Entergy.

3 Q. During your first stint in that time  
4 frame, 2000 to 2002, what roles did you fulfill?

5 A. I started in the legal department. I  
6 think my title was Senior Counsel in litigation.  
7 Then I moved into human resources. My title was  
8 Manager, Labor Relations Litigation Support.

9 Q. Your second stint starting in 2009,  
10 what roles have you fulfilled in that particular  
11 time?

12 A. My first position was Director of  
13 Utility Strategy. Then I moved to Director of  
14 Regulatory Affairs for Entergy New Orleans.  
15 Then I was named -- It might have been August or  
16 July of '10, I believe. I was named CEO of  
17 Entergy New Orleans, President and CEO of  
18 Entergy New Orleans.

19 Q. Your first stint in that time frame,  
20 2000 to 2002, was that specifically for Entergy  
21 New Orleans or some other corporation?

22 A. That was Entergy Services, Inc.

23 Q. What is your current job title?

24 A. Assistant General Counsel. I believe  
25 that's the correct title.

1 Q. For which company?

2 A. Entergy Services.

3 Q. How long have you been in that role?

4 A. September.

5 Q. In your role as CEO and President of  
6 Entergy New Orleans, who did you report to?

7 A. When I first took the position, it was  
8 Gary Taylor, then Theo Bunting, B-u-n-t-i-n-g,  
9 Rod West.

10 Q. In your role as President and CEO of  
11 Entergy New Orleans, did you supervise in a way  
12 everyone either directly or indirectly at  
13 Entergy New Orleans?

14 A. I was responsible for the day-to-day  
15 operations of Entergy New Orleans, both the  
16 electrical system and the gas system.

17 Q. Physically, where was your office?

18 A. 1600 Perdido Street, Building 505.

19 Q. How close was your office to Yolanda  
20 Pollard's office at that time?

21 A. I don't know the exact measurement.  
22 We were in the same suite area, I guess you  
23 could call it.

24 Q. Same floor?

25 A. Yeah. It was only -- the Entergy New

1 Orleans office on the first floor. They're all  
2 on the first floor of that building.

3 Q. Did you work with Ms. Pollard on a  
4 consistent basis over the last couple of years?

5 A. Yes.

6 Q. Do you still work with her?

7 A. No, not directly.

8 Q. Who made the decision to change your  
9 assignments to remove whatever you want to call  
10 it?

11 A. That was probably a joint decision.  
12 Rod West probably has the ultimate authority on  
13 making that decision.

14 Q. Why did he make that decision?

15 A. I mean, he and I had a discussion that  
16 maybe it was time for me to move into a  
17 different role. We probably had that discussion  
18 maybe two, three months before it actually  
19 happened.

20 Q. In any way, was that decision related  
21 to or connected with the allegations that  
22 surfaced in May of this year, 2018?

23 A. You would have to ask him that  
24 question. I would say no, I don't think so.

25 Q. Did you ever -- Did Mr. West ever

1 discuss in relation to your reassignment these  
2 particular allegations and the political, slash,  
3 media fallout, my words?

4 A. No.

5 Q. Have you ever had that discussion with  
6 any superior besides Mr. West?

7 A. When you say, "fallout," I'm not quite  
8 sure what you are talking about. If you are  
9 asking me was there a discussion about what was  
10 going on, I would say yes. Was there a  
11 discussion about what occurred? I would say  
12 yes. I don't know what you mean by actual  
13 "fallout."

14 Q. Media coverage, negative media  
15 coverage.

16 A. Yeah, there were discussions about  
17 that.

18 Q. Ballpark, how many discussions you  
19 think you've had with Mr. West concerning  
20 negative media coverage concerning the  
21 allegations we are here for today? Several?

22 A. I'm thinking maybe three or four. It  
23 could have been more.

24 Q. Earlier, you testified it was somewhat  
25 of a joint decision, I think were the words you

1 used. Was this something that -- Was this  
2 decision that you be removed and reassigned, was  
3 it something you were in support of or was it  
4 really not presented to you in a way for you to  
5 weigh in on?

6 A. Let me say this. Serving in a role  
7 such as which I served in I would say has a  
8 shelf life. I think studies show the average  
9 CEO serves between five to seven years. I was  
10 -- I think beginning year '09, at some point,  
11 one, I think somebody else deserves an  
12 opportunity; and two, there could come a time  
13 where you are not as effective as you were  
14 previously.

15 So, was it presented to me in a way  
16 where I didn't have a choice? I would say no.  
17 As I stated before, it was something he and I  
18 had discussed before it actually occurred.

19 Q. Did the negative media coverage in  
20 your mind decrease your effectiveness?

21 A. I don't know if it necessarily  
22 decreased my effectiveness. I still have gotten  
23 things accomplished in the role, sure. But  
24 could I have been seen as a distraction?  
25 Possibly.

1 Q. Have you received any documents  
2 evidencing your change in role from an HR, human  
3 resources --

4 A. No.

5 Q. -- standpoint?

6 A. No.

7 Q. This was just all verbal?

8 A. Pretty much.

9 Q. And what type of activities are you  
10 undertaking at this point?

11 BY MR. CAHN:

12 Let me caution you against  
13 disclosing non-public information  
14 regarding --

15 BY THE WITNESS:

16 I will tell you, what I am  
17 working on is not public information.  
18 It's not anything that the company has  
19 revealed. So, I don't think it would  
20 be appropriate for me to have that  
21 discussion until the company files the  
22 appropriate documents with the SCC.

23 EXAMINATION BY MR. COMAN:

24 Q. Did you receive a reduction in pay?

25 BY MR. CAHN:

1                   Mr. Rice is not going to  
2                   discuss his compensation during this  
3                   proceeding.

4                   BY MR. COMAN:

5                   Are you instructing him not to  
6                   answer that question?

7                   BY MR. CAHN:

8                   I am.

9                   EXAMINATION BY MR. COMAN:

10                  Q.       What do you believe are your long-term  
11                  prospects at Entergy?

12                  A.       Long-term prospects?

13                  Q.       Yes, sir.

14                  A.       If I want to continue to work there, I  
15                  can continue to work there. I've had no reason  
16                  to believe, nor has anyone communicated to me,  
17                  that I have a so-called "certain shelf life." I  
18                  think as long as I would desire to be there, I  
19                  could probably continue there.

20                  Q.       You may have mentioned this earlier.  
21                  Your office is now in a different building; is  
22                  that correct?

23                  A.       Yes.

24                  Q.       Which building is that?

25                  A.       639 Loyola Avenue. I'm on the 22nd

1 floor.

2 Q. Currently, are you supervising anyone?

3 A. No. I don't have any direct reports.

4 Q. Before your removal and reassignment,  
5 did you work with Ms. Toni Green-Brown?

6 A. Yes.

7 Q. Demetric Mercadel?

8 A. Yes.

9 Q. Chanel Lagarde?

10 A. Yes. I mean, not on a daily basis,  
11 but yes, Chanel and I worked together.

12 Q. Charlotte Cavell?

13 A. Yes.

14 Q. Gary Huntley?

15 A. Yes.

16 Q. According to Entergy's response to the  
17 City Council's report back in May of 2018,  
18 Entergy stated, "Mr. Rice attended weekly  
19 strategy meetings regarding the NOPS project and  
20 was responsible for attending and speaking at  
21 public community meetings. He also led public  
22 outreach efforts in the community seeking  
23 support for the project." Is that statement  
24 accurate?

25 A. Yes.

1 Q. It's a fair statement that you were  
2 the ultimate authority for the NOPS campaign  
3 from Entergy's standpoint?

4 A. I would say I made decisions when it  
5 came to strategy, yes.

6 Q. Was there anyone above you in the  
7 chain of command that made decisions regarding  
8 the NOPS campaign?

9 A. No.

10 Q. What did that campaign involve  
11 somewhat in broad strokes? I know the  
12 application was filed in 2016. From that time  
13 frame forward, what type of community outreach  
14 and governmental activity did you-all undertake?

15 A. I don't know if you call it  
16 necessarily "a campaign." We filed an  
17 application for approval of the building of a  
18 power plant at our existing Michoud location.  
19 As a result of that, we made a filing with the  
20 New Orleans City Council, where they dictated to  
21 us they wanted us to hold a certain number of  
22 public meetings, which we did hold.

23 Outside of that, I thought it was  
24 important for us to also engage in other  
25 meetings and engage people in the community as

1 to the importance of the project. That would  
2 have included citizens. That would include  
3 business groups.

4 That would include any organization  
5 that we thought may have considered it important  
6 that the city have reliable, safe power, and  
7 that the city -- or we do everything within our  
8 ability to make sure we had a safe, reliable  
9 electric grid to serve the citizens of New  
10 Orleans.

11 Q. As part of that campaign, was the --  
12 did Entergy utilize both its communications  
13 department as well as its public affairs  
14 department, if those are the correct titles?

15 A. I don't know exactly what you mean by  
16 "campaign." As part of our strategy to have the  
17 plant approved, sure, we engaged our public  
18 affairs team, engaged numerous people around the  
19 community in order to obtain support.

20 Q. And the names that I read off  
21 beforehand, were all those individuals, at least  
22 from the records we see, were involved in that  
23 effort, correct?

24 A. They were part of the team, yes.

25 Q. As well as others we didn't mention,

1 correct?

2 A. Yes.

3 Q. In addition to Entergy employees, did  
4 Entergy contract with other vendors to help with  
5 that effort?

6 A. Sure. We engaged Bright Moments, who  
7 had worked with us on previous projects. I  
8 believe Bright Moments brought the Ehrhardt  
9 Group to the table. I think I worked with  
10 Malcolm on other projects. We worked with DMM.  
11 I engaged Bob Tucker. I'm trying to recall. If  
12 I missed someone, please let me know.

13 Q. Sure. Hawthorn Group?

14 A. The Hawthorn Group was engaged.

15 Q. Generating public support and the show  
16 of public support was a critical component of  
17 Entergy's efforts, correct?

18 A. I wouldn't necessarily say generating  
19 public support was critical. I would say  
20 ensuring that the public was informed and that  
21 they had accurate and correct information was  
22 extremely important. I think you may have the  
23 documents. I've done surveys to gauge public  
24 support for the project.

25 I did a 500 survey of the entire city

1 of New Orleans, I believe 300 statistically  
2 relevant. In that 500 survey, I think it showed  
3 79 percent of the citizens in the city of New  
4 Orleans supported the project. I did a 500  
5 survey of just New Orleans East, just New  
6 Orleans East. So, I would say we really  
7 oversampled that.

8 I believe that one showed 78 percent  
9 of the citizens that lived in New Orleans East  
10 supported the project and thought it was  
11 important for economic development purposes,  
12 thought it was important that we have a safe,  
13 reliable electric grid.

14 I think to me it was very important  
15 that the public get accurate, correct  
16 information because our so-called "opponents"  
17 were engaging in a tremendous amount of  
18 misinformation, disinformation, whatever the  
19 appropriate word was.

20 I wanted to make sure the public had  
21 the accurate information, which is why out of  
22 the scores of meetings we conducted, I probably  
23 did the presentation in all of them, with the  
24 exception of maybe two or three. The two or  
25 three that I didn't do, I think I may have been

1 out of town for at least two of them.

2 Q. Those were -- Based on that, those  
3 were important meetings, correct?

4 A. Each meeting is important.

5 Q. In the surveys that you referenced  
6 earlier, just in that last part there, did you-  
7 all publish those at any point?

8 A. No. There was no need for us to  
9 publish that. That was for our own edification.  
10 Did I share that information with members of the  
11 City Council? Yeah, I did. I didn't give them  
12 copies.

13 Q. You just did that verbally?

14 A. Yeah.

15 Q. You had the surveys and the sampling?

16 A. Uh-huh (AFFIRMATIVE RESPONSE).

17 Q. Those -- Entergy chose not to publish  
18 those in a public forum or on your website?

19 A. I will tell you that throughout the  
20 process, I did share that information when I did  
21 public meetings. I shared -- If I did a  
22 presentation and -- sometimes I may have just  
23 said we surveyed, or it may have been in  
24 response to a question from a community member.  
25 I did share that information with members of the

1 public when I did presentations.

2 I didn't necessarily release it to the  
3 news media or the public because I didn't really  
4 think that was necessary.

5 Q. Actually showing the support beyond  
6 just mentioning the survey numbers to the  
7 council members here and there verbally,  
8 actually showing support, would you agree that  
9 Entergy considered that to be a critical  
10 component of the NOPS effort?

11 A. If your question is was it important  
12 that the City Council people knew there were  
13 people that were supportive of the plant, I  
14 would say my answer is it was important for City  
15 Council members to know there was a large  
16 segment of the population that was supportive of  
17 the plant.

18 In a situation such as this, the  
19 people that typically would support a situation  
20 like this or the building of this plant,  
21 business people, a lot of professional people,  
22 they don't have time to sit in the City Council  
23 meeting all day in order to get their two  
24 minutes or speak on their two minutes of  
25 support.

1           From our aspect, it was important that  
2 we figure out who are other people that also  
3 support that that had time to come down to the  
4 City Council chambers and show their support.

5           Q.     You mentioned Bright Moments as a  
6 Entergy vendor. Did Entergy ever hire them to  
7 draft scripts for unknown individuals?

8           A.     If your question is, did Bright  
9 Moments draft talking points, I believe they may  
10 have; so did the Ehrhardt Group. We had  
11 individuals who were asking us for talking  
12 points. Often times, people may think they know  
13 why something is important, but they may not  
14 necessarily be able to articulate it in a  
15 precise manner that people can understand.

16           I believe there was a gentleman that  
17 owned a restaurant in New Orleans East who  
18 actually came to the meeting -- one of the  
19 meetings to speak on our behalf. Even though he  
20 supported the plant, his factual basis for  
21 support was not totally accurate.

22           We wanted to make sure that people  
23 actually understood why the plant was important  
24 for the city, for the grid, for economic  
25 development here in the city of New Orleans.

1 Q. What was his factual basis and how was  
2 it --

3 A. I can't --

4 BY MR. CAHN:

5 Let him finish his question.

6 BY THE WITNESS:

7 I'm sorry. I can't remember  
8 everything he said. I just remember  
9 it wasn't necessarily accurate. I  
10 just wanted to make sure -- I think we  
11 -- I think I may have reached out to  
12 Bright Moments and asked them could  
13 they contact him and kind of -- I may  
14 have asked somebody on my team to talk  
15 to the gentleman to kind of tell him  
16 what the important points were.

17 EXAMINATION BY MR. COMAN:

18 Q. From Entergy's perspective?

19 A. I would say from the community's  
20 perspective as well as Entergy's perspective.

21 Q. Let me show you what has already been  
22 marked as Exhibit 4. I do not believe you're  
23 listed on that e-mail. Take a moment to review  
24 those pages. I have a couple of questions.

25 A. (WITNESS COMPLIED). Sassafras

1 Restaurant, that's the guy I was talking about  
2 before.

3 Q. Read the entirety, and let me know  
4 when you are done.

5 A. (WITNESS COMPLIED). Okay.

6 Q. So, I believe I'm correct in that you  
7 were not specifically copied on this e-mail  
8 thread; is that right?

9 A. I don't see my name in any of the  
10 "To," "From," or "cc's."

11 Q. It appears to be an exchange between  
12 Ms. Pollard, who you referenced earlier, Ms.  
13 Toni Green-Brown, and vendors such as Bright  
14 Moments, Bill Rousselle, as well as the Ehrhardt  
15 Group; is that correct?

16 A. That's correct.

17 Q. For the record, this is Bates labeled  
18 ENO-NOPS 6353 through and including 6360. If  
19 you could, turn to the last page of Exhibit 4.

20 A. (WITNESS COMPLIED).

21 Q. It's Bates labeled 6360. This is a  
22 typed script for someone to be filled in later  
23 as in support of the power station; is that  
24 correct?

25 A. It seems to be written from a

1 homeowner in New Orleans.

2 Q. In fact, it actually -- at the top, it  
3 states, "I am," then a blank line, and address,  
4 correct?

5 A. Uh-huh (AFFIRMATIVE RESPONSE).

6 Q. It further states, "I'm a homeowner  
7 and life-long resident of New Orleans." Did I  
8 read that correctly?

9 A. Yes.

10 Q. This is a script made for someone to  
11 be provided with, and they can fill in their  
12 name down the road; is that correct?

13 A. Correct.

14 Q. Did you direct that this activity take  
15 place?

16 A. I don't have any recollection of  
17 specifically asking anyone to do that. This is  
18 a discussion Yolanda and I could have possibly  
19 had, sure.

20 BY MR. CAHN:

21 For the record, this document  
22 is dated 7/27/16. I just want to be  
23 clear. I don't want to leave the  
24 insinuation that this was used at the  
25 October and February meetings. This

1           was for the July 28, 2016 City Council  
2           meeting.

3           BY MR. COMAN:

4                     On the NOPS project, correct?  
5           Same project, different date?

6           BY MR. CAHN:

7                     Correct.

8   EXAMINATION BY MR. COMAN:

9           Q.     Take a look at Exhibit 5, if you  
10          could. As a follow-up on Exhibit 4, Bright  
11          Moments and the Ehrhardt Group continued on as  
12          vendors for Entergy throughout the NOPS process,  
13          correct?

14          A.     They were vendors throughout the  
15          approval process.

16          Q.     Switching to Exhibit 5, which is  
17          ENO-NOPS 6659, then a two-page -- which should  
18          have been a native Excel spreadsheet that does  
19          not have Bates numbers on it, if you could, take  
20          a moment to review that three-page document,  
21          please.

22          A.     (WITNESS COMPLIED).

23          Q.     Mr. Rice, correct me if I'm wrong.  
24          This is a list of potential speakers that  
25          Entergy employees had identified for a December

1 12th meeting on the NOPS project back in 2016;  
2 is that right?

3 A. This is a list of potential speakers.

4 Q. I believe it has -- If you look on the  
5 last page, it references you on the last few  
6 items, 43 and 44?

7 A. Uh-huh (AFFIRMATIVE RESPONSE).

8 Q. You have to say yes or no.

9 A. Yes.

10 Q. How many of these potential speakers  
11 ever spoke at a public hearing on Entergy's  
12 behalf?

13 A. I couldn't answer that question with  
14 any type of certainty. I couldn't tell you how  
15 many showed up and how many didn't show up. I  
16 couldn't tell you. There may be some people on  
17 here that I recall showing up. I couldn't give  
18 you an exact number on who showed up and who  
19 didn't.

20 Q. If I told you that other Entergy  
21 employees have identified so far six of these 44  
22 potential speakers as having eventually spoken,  
23 would that seem accurate to you or would you  
24 know one way or the other?

25 A. I wouldn't have any reason to dispute

1 it.

2 Q. Let me show you what I will mark as  
3 Exhibit 63. It is ENO-NOPS 1007. Take a look  
4 at that.

5 A. (WITNESS COMPLIED).

6 Q. Are you a party to this e-mail  
7 communication, Mr. Rice?

8 A. My name appears on it.

9 Q. Is this an e-mail -- Starting at the  
10 bottom in time order, it's dated February 1,  
11 2017; is that right?

12 A. Yes.

13 Q. You send this e-mail to Ms. Cavell.  
14 The subject line reads "Hawthorn List." You  
15 wrote, "Did we get a cost?" What were you  
16 referencing there?

17 A. I have no specific recollection.

18 Q. Ms. Cavell writes back, "Not yet. I  
19 will ping them again and keep you posted." In  
20 response, you wrote, "Need it ASAP. I want the  
21 note out by Friday." What does that reference?

22 A. I have no recollection of this e-mail.  
23 What I can tell you is we were sending out  
24 customer communications. It could have  
25 referenced that. That would be pure speculation

1 on my part.

2 Q. Let me show you what is marked as  
3 Exhibit 6. If you could, take a look at that,  
4 with a copy for your counsel.

5 A. (WITNESS COMPLIED).

6 Q. It is Bates labeled HAWTHORN 1003  
7 through and including 1006. Let us know when  
8 you've had a chance to review it.

9 BY THE WITNESS:

10 Can I write on this?

11 BY MR. CAHN:

12 No.

13 BY THE WITNESS:

14 Okay.

15 EXAMINATION BY MR. COMAN:

16 Q. This e-mail thread, I don't believe  
17 you are on it as well, correct?

18 A. I do not see my name on this e-mail.

19 Q. You recognize the name Chanel Lagarde,  
20 correct?

21 A. Yes.

22 Q. That's an individual that worked on  
23 the NOPS effort, correct?

24 A. Assisted.

25 Q. What's his role?

1           A.       I don't know Chanel's exact title. He  
2 works with communications issues for the  
3 utility.

4           Q.       It's our understanding that he had a  
5 relationship with individuals at the Hawthorn  
6 Group in Virginia; is that correct?

7           A.       I think he's probably in the best  
8 position to answer that question. I'm assuming  
9 he had familiarity with them.

10          Q.       Did you know the Hawthorn Group prior  
11 to their engagement on the NOPS project?

12          A.       I wouldn't say I knew them. I had  
13 seen Mr. Ashford for a presentation before. I  
14 had never had a conversation with him.

15          Q.       Did you ask Mr. Lagarde to set up a  
16 meeting between yourself, Ms. Pollard, and  
17 people from the Hawthorn Group?

18          A.       No, I didn't.

19          Q.       If Mr. Lagarde had testified -- Strike  
20 that. Mr. Lagarde had told us that was a  
21 direction you gave him. Would he be incorrect  
22 in that assertion?

23          A.       That's not my recollection.

24          Q.       What is your recollection?

25          A.       My recollection is that Chanel reached

1 out to me and basically said, "You should  
2 consider using the Hawthorn Group because they  
3 worked with us" -- not us; worked with Entergy  
4 Louisiana on a previous project, and they could  
5 probably be of help in this situation.

6 Q. At that stage in the beginning of the  
7 engagement or potential engagement with the  
8 Hawthorn Group on this particular project, what  
9 role were they going to fulfill?

10 A. Who is "they"?

11 Q. The Hawthorn Group.

12 A. It was my understanding that the  
13 Hawthorn Group specialized in finding people who  
14 would be supportive of our efforts and that they  
15 could identify people based upon whatever  
16 database they had who would be supportive of the  
17 New Orleans power station and the things that we  
18 were trying to achieve.

19 I think somewhere in here I thought I  
20 read -- It says right here, "logical leaders  
21 might be and how they are best recruited."

22 Q. Is that referencing the, quote, grass  
23 tops community stakeholder-type profiles?

24 A. I can read the e-mail to you.

25 BY JUDGE JOHNSON:

1                   Mr. Rice, I'm sorry. My ears  
2                   are old. You need to speak up.

3                   BY THE WITNESS:

4                   I'm sorry, Judge. I will speak  
5                   up. I would have to assume, based  
6                   upon this e-mail, that they would  
7                   assist in identifying people, and they  
8                   wanted us to help them in their  
9                   identification of people who could --  
10                  who would be supportive.

11                  EXAMINATION BY MR. COMAN:

12                  Q.     What type of people?

13                  A.     Citizens, people that may be involved  
14                  in the industry that we don't know; people who  
15                  may think this is important for environmental  
16                  reasons; people who may think it's important for  
17                  economic development; people who may think it's  
18                  important for a safe, reliable electric grid;  
19                  people who may think it's important for economic  
20                  development reasons.

21                  They -- I think it's even mentioned in  
22                  this e-mail that they had actually helped us.  
23                  We did an announcement on our solar project.  
24                  They actually helped us with the outreach for  
25                  that particular project, getting people to show

1 up. I guess it was the ribbon cutting.

2 Q. Now --

3 A. It says -- Yolanda wrote her a note.  
4 It says, "I look forward to connecting with you  
5 again. Yes, we worked together on the New  
6 Orleans solar communications, which actually has  
7 become a key point of reference as we talk with  
8 key stakeholders about the proposed power  
9 station."

10 Q. In the top portion, the last e-mail  
11 from Mr. Lagarde --

12 A. Which page?

13 Q. First page. Mr. Lagarde stated --  
14 referred to Ms. Pollard and said, "She's running  
15 the campaign for Entergy. She would be the best  
16 for the in-depth briefing you will need." You  
17 agree with that statement?

18 A. I don't know if she's necessarily  
19 running the campaign. She was serving in the  
20 role, for lack of a better term, as a project  
21 manager on this effort.

22 Q. Mr. Lagarde is an Entergy employee?

23 A. That's correct.

24 Q. He used the word "campaign," correct?

25 A. That's what he wrote here.

1 Q. At this time, August of 2017 -- you  
2 let me know if you agree or disagree with this  
3 -- the records seem to indicate that -- they  
4 don't seem -- to indicate, at this point,  
5 Entergy had hired Bright Moments, correct?

6 A. This is dated August 2017. I'm fairly  
7 certain we had already engaged Bright Moments  
8 before then.

9 Q. As well as other vendors, either  
10 directly or indirectly, such as the ones you  
11 mentioned earlier, Ehrhardt Group, DMM &  
12 Associates, and others, correct?

13 A. Yes.

14 Q. All with a local presence, correct,  
15 those vendors?

16 A. Correct.

17 Q. Hawthorn Group is a company out of  
18 Arlington, Virginia?

19 A. I'm not sure where they are located.  
20 I do know they are not located in New Orleans.

21 Q. Do you know an individual by the name  
22 of Suzanne Hammelman?

23 A. I've never met Ms. Hammelman.

24 Q. Have you ever spoken to her by  
25 telephone?

1           A.     I don't recall me having a specific  
2     conversation with her.  Is it possible I could  
3     have walked in while she was having a  
4     conversation with Yolanda?  Sure.  I didn't  
5     speak with her directly.

6           Q.     At the bottom of this page, there's a  
7     discussion between Mr. Lagarde and Mr. Ashford.  
8     It seems to have been following maybe some phone  
9     calls.  It is what it is.  The word "cutouts" is  
10    used.

11          A.     I'm assuming you are still on the  
12    first page?

13          Q.     First page, middle of the first  
14    paragraph.

15          A.     Okay.

16          Q.     Do you see the word "cutouts"?

17          A.     Yes.

18          Q.     Do you know what that's referencing?

19          A.     I have no idea.

20          Q.     Ms. Pollard is copied on that e-mail  
21    where Mr. Lagarde sends this conversation he had  
22    with Mr. Ashford on to Ms. Pollard, correct?

23          A.     At the top of this page, Yolanda  
24    appears to be cc'd at 1:26 p.m. on Sunday,  
25    August 13, 2017.  Chanel e-mailed with John

1 Ashford at 10:32 a.m. on August 13th.

2 Q. Who is Dan Faust?

3 A. I know Mr. Faust has run for office  
4 previously and would show up at City Council  
5 meetings or utility meetings from time to time.

6 Q. Let me show you what's been marked as  
7 Exhibit 8. For the record, this is ENO-NOPS  
8 6314 through and including 6318.

9 A. Okay.

10 Q. This is an e-mail dated August 16,  
11 2017 that you and others received from Ms.  
12 Cavell, correct?

13 A. I'm on the "To" line of this e-mail,  
14 yes.

15 Q. What is this e-mail thread? Does this  
16 discuss Mr. Faust and his opposition to the  
17 power station?

18 A. It states -- I can read it to you.  
19 "Entergy Louisiana power plant informational  
20 meeting regarding Michoud natural gas plant";  
21 again, incorrect information. It was a Entergy  
22 New Orleans power plant information meeting.

23 Q. My question is really this. Was  
24 Entergy monitoring opposition to the power  
25 station?

1           A.       We were looking at -- I get Entergy  
2 alerts myself. For us to find out what was  
3 being said about the company out in the  
4 community, sure, we did that on a regular basis.  
5 Again, this is Mr. Faust. Some of the  
6 information espousing on this is inaccurate.

7           Q.       Why did Entergy monitor opposition  
8 groups?

9           A.       I wouldn't say we necessarily  
10 monitored opposition groups. We monitored  
11 comments about the company on a regular basis.  
12 I don't think there's any Fortune 500 company  
13 that I'm aware of that doesn't monitor what is  
14 being said about them in the news, social media,  
15 whatever the case may be. For us to do this  
16 would not be unusual.

17                   I can tell you right now, I had  
18 communications set up on my -- I don't know how  
19 they do it, that if Entergy New Orleans showed  
20 up in a news story, I would get a Google alert.  
21 If my name showed up in a news story, I would  
22 get a Google alert.

23                   For us to want to know what was being  
24 said about the company is not unusual. Again, I  
25 don't think there is any company out there that

1 functions in today's world where social media is  
2 prevalent that does not want to know what is  
3 being said about the company for a lot of  
4 different reasons.

5 Q. This wasn't a Google alert,  
6 correct? This was a specific e-mail containing  
7 screen shots and other things from the aftermath  
8 of a public meeting on the NOPS power station;  
9 is that correct?

10 A. I don't know if this is necessarily  
11 aftermath, whatever that word may mean to you.  
12 This is basically -- We were made aware of  
13 someone commenting about the informational  
14 meeting on Twitter. And someone went and took a  
15 look at it to see what was being said.

16 Q. Have you ever spoken to anyone else at  
17 Entergy about Mr. Faust?

18 A. I'm sure I had conversations about  
19 Mr. Faust.

20 Q. With whom?

21 A. People within Entergy New Orleans. It  
22 could have been some linemen. It could have  
23 been in the headquarters, the Magnolia Building.  
24 Employees of the company pay attention to what's  
25 being said about the company. It probably would

1 be disingenuous on my part to say I never had a  
2 conversation about Mr. Faust.

3 Q. Did you and others -- When I mean  
4 "others," others involved in the effort, those  
5 listed on that e-mail thread. Did you-all  
6 discuss other individuals and opposition groups  
7 to the power station?

8 A. Sure.

9 Q. Like whom?

10 A. I'm sure there were discussions about  
11 the Alliance for Affordable Energy. There were  
12 discussions about 360.org. There were  
13 discussions about VAYLA.

14 There were discussions about people  
15 who -- organizations that may have shown up at a  
16 community meeting. If we had never heard of the  
17 organization before, I'm sure we -- somebody  
18 went out and probably did a search to see who  
19 was a part of the organization and what was  
20 their purpose.

21 Q. You mentioned the Alliance. Is that  
22 the Alliance for Affordable Energy?

23 A. That's what they call themselves.

24 Q. Do they have an executive director?

25 A. When I first got to this role -- my

1 former role, Casey DeMoss Roberts was the  
2 executive director of the Alliance. I think  
3 Logan was her deputy then. Casey stepped down,  
4 and Logan became the executive director.

5 Q. Is that Logan Burke?

6 A. Yes.

7 Q. How about Justice and Beyond, have you  
8 ever heard of that organization?

9 A. Yeah.

10 Q. Who is that? Is that Mr. Bryant?

11 A. I believe that is Pat Bryant.

12 BY MR. CAHN:

13 Can we take a break?

14 BY MR. COMAN:

15 Sure.

16 (BREAK TAKEN)

17 EXAMINATION BY MR. COMAN:

18 Q. Mr. Rice, let's -- going back on the  
19 record here, did you meet Mr. Ashford in person  
20 down here in New Orleans on August 24th of 2017?  
21 If you could, look at Exhibit 9.

22 A. I don't recall the exact date. If  
23 that's what the calendar says, I have no reason  
24 to dispute it. I did meet with him once.

25 Q. This is an Outlook entry that

1 references yourself, Mr. Lagarde, Ms. Pollard,  
2 Mr. Ashford, correct?

3 A. Yes.

4 Q. It's dated August 24, 2017 for a  
5 meeting to take place in Chanel's office on the  
6 6th floor; is that correct?

7 A. Yes.

8 Q. Is Chanel officed in your building,  
9 the ENO building?

10 A. No. He is at 639 Loyola.

11 Q. Where did this meeting take place at  
12 Entergy New Orleans?

13 A. I think it was in Chanel's office, 6th  
14 floor.

15 Q. Who else was present, if anyone else,  
16 besides those listed here on this sheet of  
17 paper?

18 A. To the best of my recollection, these  
19 were the only people that were present.

20 Q. Approximately how long did this  
21 meeting last?

22 A. I don't think it lasted an hour. I  
23 couldn't put an exact number on it. I don't  
24 know if it lasted an hour.

25 Q. What did you-all discuss in basic

1 form?

2 A. As best I recall, there was discussion  
3 of what the Hawthorn Group's capabilities were;  
4 a discussion regarding their capability to  
5 identify people who would be supportive; as well  
6 as them having a database of potential  
7 supporters; discussion of how they could go  
8 about helping building a grassroots  
9 organization. That's probably the gist of it.

10 Q. The database and/or the Hawthorn list,  
11 so to speak, that's been referenced in Entergy  
12 records that lists, correct me if I'm wrong,  
13 when I reviewed that were a listing of elected,  
14 appointed officials, business leaders, that type  
15 of profile, correct?

16 A. I have no idea. I don't think I ever  
17 saw a list provided by Hawthorn of people that  
18 they knew.

19 Q. What capabilities, though, did the  
20 Hawthorn Group have that the preexisting vendors  
21 such as Bright Moments, DMM, and Ehrhardt Group  
22 have?

23 A. First of all, the people we retained  
24 don't know everyone in the entire city. They  
25 don't know necessarily people who operate in the

1 space we were operating in. They couldn't know  
2 everybody in the city that could have  
3 potentially been supportive of this project.

4 For us to be able to identify others  
5 that we didn't know that they didn't know, I  
6 think that was probably important.

7 Q. At the December of 2016 meeting, were  
8 you satisfied -- Strike that. In December of  
9 '16, there was a meeting in City Council  
10 chambers, correct?

11 A. I apologize. It all kind of runs  
12 together. If you told me there was a meeting in  
13 December, there was a meeting in December. If  
14 you are going to ask me specifics around that  
15 meeting, I will probably need to know what the  
16 --

17 If you could show me the agenda for  
18 the meeting, that might help. I'm just being  
19 perfectly frank with you. It all kind of runs  
20 together. You can ask me a question. I don't  
21 know if I would necessarily be able to give you  
22 a specific answer.

23 Q. I don't have too many specifics. My  
24 general question would be that prior to this  
25 time frame, prior to the engagement with the

1 Hawthorn Group, we understand there were public  
2 hearings. In fact, one of them was in December  
3 of '16 where a large number of opposition groups  
4 and/or individuals appeared at that meeting.

5 Does that jog your recollection?

6 A. Not really. I don't have any reason  
7 to dispute what you are saying. I'm sure there  
8 were supporters for us at that meeting too.

9 Q. Was there ever a meeting in December  
10 of '16, without the specific data, a meeting  
11 prior to this time frame, prior to the summer of  
12 2017 where opposition groups and individuals  
13 within those opposition groups or affiliated  
14 with those opposition groups outnumbered Entergy  
15 supporters?

16 A. I don't have any recollection of that.  
17 I mean, is it possible? Sure. You got to  
18 realize, I had probably participated in 40 or  
19 almost 40 so-called "public meetings" at  
20 locations all around the city. There were  
21 people for and against at each one of those  
22 meetings.

23 Q. Are you sure it's 40, not 22?

24 A. It depends on what you consider a  
25 meeting. It may not have -- meetings that I

1 held with the Black Chamber. That 22 number may  
2 be me going into like council districts. They  
3 were one-on-one meetings I had, small group  
4 meetings I had.

5 Q. Following the August 24, 2017 meeting,  
6 there was -- there were multiple proposals  
7 generated by the Hawthorn Group and forwarded to  
8 Entergy for you-all's consideration, correct?

9 A. I don't know about multiple. I know  
10 there was at least one.

11 Q. If I told you it was more than one,  
12 would you have any cause to disbelieve my  
13 assertion?

14 A. No.

15 Q. This is -- Exhibit 11 is a memorandum  
16 from Ms. Hammelman and another individual at the  
17 Hawthorn Group to Ms. Pollard. Did you ever see  
18 this particular document?

19 A. I don't recall seeing it. If someone  
20 said I did, I have no reason to dispute it.

21 Q. It reads in the beginning -- it  
22 references John.

23 A. Where are you at?

24 Q. First paragraph. It references John  
25 Ashford and Charles. We assume that would be

1 you, correct?

2 A. Uh-huh (AFFIRMATIVE RESPONSE).

3 Q. It goes on to -- over the next few  
4 pages, ENO-NOPS 8 through and including 11. It  
5 lays out a laundry list of activity with pricing  
6 and timing that the Hawthorn Group was proposing  
7 to Entergy; is that correct?

8 A. Okay.

9 Q. If we could start at the second  
10 sentence of this memorandum, it reads, "The  
11 following is a summarized and slightly revised  
12 version of the proposal and plan that John  
13 outlined for you and Charles the other day."  
14 Did I read that correctly?

15 A. Yes.

16 Q. This is -- The first page at the  
17 bottom, last paragraph, the Hawthorn Group  
18 recommended starting the group as a Facebook  
19 community. Do you see that in bold at the  
20 bottom?

21 A. Yes.

22 Q. Did Entergy approve and engage the  
23 Hawthorn Group to start a Facebook community?

24 A. Not that I recall.

25 Q. If you could, turn, Mr. Rice, to Page

1 3, ENO-NOPS 10.

2 A. (WITNESS COMPLIED).

3 Q. Under the heading "September of 2017,"  
4 there's various bullet points. The first one  
5 says, "Identify and recruit one or more grass  
6 top champions." It continues on. Did Entergy  
7 engage the Hawthorn Group to do that task?

8 A. No, we did not.

9 Q. How about the second bullet point,  
10 settle on an organization name? Did you-all  
11 ever engage them to -- for them to create an  
12 organization, or no?

13 A. I don't recall if we had a specific --  
14 I mean, we probably had a conversation about  
15 that. Did we settle on a name? No.

16 You know, I've got to point out, if we  
17 look at the first paragraph, it says, "Our goal  
18 is to build an independent organization that can  
19 support, starting immediately, upon your program  
20 and budget authorization to provide high-level  
21 grass tops and real, organic grassroots support  
22 for the projects designed to make New Orleans  
23 whole." That's what we were actually looking  
24 for.

25 Q. This was in anticipation of that

1 October 16, 2017 meeting before the City  
2 Council; is that correct?

3 A. I don't recall it specifically, no. I  
4 mean, this laid out a plan all the way through  
5 February of 2018. I don't know if it was  
6 necessarily just for October.

7 Q. I'm actually just looking at the first  
8 heading on Page 10. That activity, the bullet  
9 points we are discussing right now is under  
10 "September of 2017," correct?

11 A. If you look at this, they talk about  
12 activities in September. It talks about  
13 activities from October to November. Then you  
14 have activities from December to February. What  
15 is laid out in September may have just been --  
16 I'm speculating here. I don't want to  
17 speculate. I can't read somebody's mind.

18 Q. There's also a bullet point towards  
19 the bottom of Page 10 that says, "Recruit 3,000  
20 to 5,000 members online." Did Entergy engage  
21 the Hawthorn Group to accomplish that task?

22 A. Not that I recall.

23 Q. In all of those recommendations that  
24 are contained in this memorandum and/or any  
25 other proposal, what did Entergy select the

1 Hawthorn Group to accomplish for Entergy?

2 A. Turn out supporters.

3 Q. At some point in that same time, did  
4 you become concerned or alarmed with the  
5 Alliance?

6 A. I don't know if "concerned or alarmed"  
7 is a correct statement. I would say my concern  
8 really revolved around the voluminous news, and  
9 I say voluminous false and inaccurate  
10 information that they were putting out to this  
11 community specifically about the company and,  
12 more importantly, about me.

13 They were saying I was attempting to  
14 harm the community in which I live, the  
15 community in which I chose to raise my family,  
16 the community in which my parents and the  
17 majority of my immediate family still lives.

18 For them to make a statement that I  
19 and the company I work for, which was the only  
20 Fortune 500 company in this community, which  
21 provides millions of dollars to this community,  
22 which has about a billion-dollar economic impact  
23 on this community, that we were attempting to  
24 harm this community, yeah, that concerned me.

25 Q. Did you believe or did you perceive

1 they were attacking you personally in addition  
2 to the information you discussed?

3 A. I don't know if it was personal  
4 attacks. If you want to talk about the fact in  
5 a community meeting Ms. Burke's husband got in  
6 my face, face to face in a threatening manner,  
7 that happened.

8 Q. When was that?

9 A. That was at one of the Council  
10 meetings. I can't recall which one. Were they  
11 putting out different false information about  
12 me? I'm sure they were. It was of concern to  
13 me that they were putting out false information,  
14 that they were not necessarily putting out the  
15 truth about me and my intentions.

16 I live in this community. I was a  
17 very public person in this community. I was  
18 known as being a person of integrity in this  
19 community, and they questioned that. That was a  
20 serious issue for me.

21 Let me explain something to you. I'm  
22 a junior. There's a third. My father worked  
23 all his life to build a good name. For somebody  
24 to say I was going to do something to ruin that,  
25 to jeopardize that, total BS. I go through life

1 -- There's a Charles L. Rice, III. That name  
2 could be a help or hindrance to me.

3 The only way it could be help is for  
4 me to be a person of integrity, a person of my  
5 word, and to do what's right by this community,  
6 by me, and everybody else. For somebody to  
7 question that, I have an issue with that.  
8 That's not the only Rice out there.

9 Q. Let me show you what's marked as  
10 Exhibit 12, ENO-NOPS 756 through and including  
11 759. Let me know when you have a moment to  
12 review.

13 A. Okay.

14 Q. My question is regarding the e-mail  
15 maybe three-quarters of the way down on the  
16 first page, an e-mail you wrote on August 31,  
17 2017. It reads, "We have to get a strategy  
18 around this. I'm going to work with Chanel to  
19 get an outside consultant, the Hawthorn Group,  
20 to begin some kind of campaign/strategy against  
21 the Alliance." Did I read that correctly?

22 A. You did.

23 Q. The Alliance is the Alliance for  
24 Affordable Energy we already discussed; is that  
25 correct?

1           A.       That's correct. I need to point out  
2 for you the subject of this e-mail was TCNA  
3 intervention Re UD-17-04 Investigation and  
4 Remediation of Service Disruptions. This  
5 probably revolved around the docket that the  
6 Council opened up with regard to reliability of  
7 our system.

8           Q.       Is that somewhat related in some  
9 fashion to the power station application in any  
10 way?

11          A.       No.

12          Q.       What was the Alliance's role in that  
13 particular item then?

14          A.       Again, I don't know if TCNA  
15 intervened, which I think was maybe some  
16 community organization. I believe one of the --  
17 or a neighborhood association -- That's probably  
18 what the NA is.

19                    If I recall correctly, one of the  
20 Alliance board members actually was on the  
21 Tulane Canal NA. That was probably of concern  
22 and probably them putting out false information  
23 to the members of that organization around the  
24 reliability of our system.

25          Q.       It caused you again to ask Mr. Lagarde

1 or discuss engaging the Hawthorn Group in that  
2 effort, correct?

3 A. I don't think Chanel and I ever had  
4 that discussion about engaging in a round of  
5 reliability. That may have been an emotional  
6 response at the time.

7 Q. Reliability is an issue that some of  
8 the opposition groups have raised in regards to  
9 the power station, is that correct, in general  
10 terms?

11 A. The information they were putting out  
12 was patently false. What they were putting out  
13 was that this power station would not assist or  
14 help improve the reliability of our system;  
15 meaning, that we had a more safe and reliable  
16 system. What they were putting out was that we  
17 could solve whatever issues we had through some  
18 other means and methods.

19 Basically, what they were doing was  
20 questioning the expertise and experience of  
21 engineers who had worked on this system for a  
22 number of years. There was a reason that that  
23 power station was originally located in the  
24 Michoud location. It was located there because  
25 at that time and still today, it was needed to

1 make sure there was a safe, reliable electric  
2 grid in the city of New Orleans.

3           They were basically putting out  
4 information that this power station wasn't  
5 necessary and that reliability could be solved  
6 or the reliability be improved by some other  
7 method, which was not [sic] false, as they had  
8 never retained an engineer, never had anybody  
9 study the system. Basically, they were putting  
10 out false information not based on science.

11       Q.     Okay. The power station itself, when  
12 it does come online, however that's going to  
13 work, will that feed power or generate power,  
14 whatever the correct technical term is, to  
15 parishes outside of Orleans Parish?

16       A.     Let me begin my response to this  
17 question by saying I'm not an engineer. I can't  
18 tell you technically how the electrons move  
19 around the Entergy system. What I can tell you  
20 is it is a system that -- Our system is  
21 connected. Our system is connected because it  
22 operates for the benefit of all of our  
23 customers.

24           This power station will be used at  
25 times to ensure the entire reliability of that

1 system. We have power plants in Westwego that  
2 help to provide power and grid stability for the  
3 city of New Orleans. If one of those units go  
4 down, this unit could be run to make sure we  
5 have a reliable system.

6 This unit, if it is built, hopefully,  
7 when it is built, will be used to provide  
8 reliability at some point for the entire metro  
9 area on occasion. It could be used for that.

10 Q. On a day-to-day, non-emergency basis,  
11 if I'm a resident of Jefferson Parish, will this  
12 NOPS power station affect me one way or the  
13 other?

14 A. It depends on what's going on that day  
15 on the entire system. It could be a day where  
16 it's 100 degrees and 9 Mile 4 could go down.  
17 This unit could run to make sure there's  
18 stability across the entire system, to make sure  
19 the people in Jefferson Parish have a reliable  
20 system, to ensure the people in New Orleans have  
21 a reliable system.

22 I have a number of politicians in  
23 Jefferson Parish that reached out to me and  
24 asked me if they could assist in any way, shape,  
25 or form because they realized how important this

1 plant was for the greater reliability of the  
2 entire system.

3 Q. Who is that?

4 A. There were a number of people. Conrad  
5 Appel comes to mind, for one. That's the one I  
6 recall off the top of my head.

7 Q. Do you know why Toni Green-Brown would  
8 have told us it would not affect persons in  
9 Jefferson Parish?

10 A. That may be based on her knowledge.  
11 She's not in every single meeting. She's not an  
12 engineer. She didn't meet with the transmission  
13 guys like I did. She didn't meet with the  
14 PowerGen guys like I did. She may have been in  
15 some of those meetings. That's her  
16 understanding of the system, which may not be to  
17 the level of mine.

18 Q. She's someone that you respect and  
19 have confidence in, correct?

20 A. I have all the confidence and respect  
21 in the world for Toni Green.

22 Q. Let me show you Exhibit 14. I will  
23 show you 14 and 13 at the same time. I think  
24 they are related to one another. Take a moment  
25 to review those two exhibits, and let us know

1 when you are ready to answer a few questions on  
2 those.

3 A. (WITNESS COMPLIED). Okay.

4 Q. Exhibit 13 is Bates labeled ENO-NOPS 5  
5 and 6, and ENO-NOPS 7 through and including  
6 ENO-NOPS 26. Did you receive -- If you look at  
7 14, did you receive this Hawthorn follow-up  
8 proposal from Ms. Pollard on August 31, 2017?

9 A. I don't recall specifically getting  
10 it, but I'm on the "To" line.

11 Q. Then if you juxtapose Exhibit 13 with  
12 that, it's an Outlook entry which shows  
13 attendees as yourself, Ms. Pollard, Mr. Ashford,  
14 Mr. Lagarde, and a couple of others; is that  
15 correct?

16 A. Legal counsel, Mr. Cragin, yes.

17 Q. This is for same date, August 31,  
18 2017, correct?

19 A. Yes.

20 Q. Is this what was discussed at that  
21 Webex conference call?

22 A. I don't have a specific recollection  
23 of this meeting. I apologize. I have no reason  
24 to believe it wasn't -- I just don't have a  
25 specific recollection of it.

1 Q. Was that just a auto call, or was that  
2 like a video link as well?

3 A. I'm sure it was just audio.

4 Q. In that follow-up proposal that's part  
5 of Exhibit 14, what, if any, specific tasks did  
6 Entergy select from and engage the Hawthorn  
7 Group to perform?

8 A. We retained them to recruit grassroots  
9 support.

10 Q. Why?

11 A. As I stated previously, we don't know  
12 everybody in the community. We can't know  
13 everybody in the community. If there were  
14 people that they knew that we didn't know, if  
15 they had people in their database that we  
16 weren't aware of, we would like to know who  
17 those people were. Like they say right here,  
18 "We know the issues and the players."

19 Q. Certainly, Entergy knew the issues,  
20 correct, better than anyone; fair statement?

21 A. Of course we knew the issues.

22 Q. As you referenced earlier, you are  
23 from here, and Entergy New Orleans is obviously  
24 a New Orleans company, correct?

25 A. That is correct.

1 Q. The Hawthorn Group is a Virginia  
2 company, correct?

3 A. Like I said, I don't know exactly  
4 their base. If you say they are based out of  
5 Virginia, I have no reason to dispute that.

6 Q. Mr. Ashford didn't have a New Orleans  
7 office? He had to fly down from Virginia?

8 A. I'm not sure if he came from Virginia.  
9 He doesn't live here. I know that for sure.

10 Q. I will show you what's marked as  
11 Exhibit 15.

12 A. Okay.

13 Q. For the record, this is ENO-NOPS 12.  
14 This starts at the e-mail thread originally from  
15 Ms. Hammelman to Ms. Pollard on September 5th in  
16 which Ms. Pollard forwarded to you later that  
17 day; is that correct?

18 A. Uh-huh (AFFIRMATIVE RESPONSE).

19 Q. I'm sorry.

20 A. Yes.

21 Q. In the bottom, Ms. Hammelman writes,  
22 "I've revised the attached slightly to respond  
23 to what we heard Charles say last week. So, our  
24 immediate goal has changed a bit, and the  
25 urgency for crowd building and response is

1 reflected. The September budget has been  
2 revised up a bit to reflect trying to do a LOT,"  
3 all caps, "of stuff immediately." Did I read  
4 that correctly?

5 A. Yes.

6 Q. What was the urgency for the crowd  
7 building?

8 A. I don't know what "crowd building"  
9 means. I'm sure that's some term of art in the  
10 space in which the Hawthorn Group operates.  
11 What I probably was asking them to do was to  
12 identify supporters, identify people who would  
13 be supportive of what we were trying to do,  
14 identify people who would support the power  
15 plant, and help us also identify people that we  
16 could have a conversation with and hopefully get  
17 them to turn out at the meeting.

18 Q. Did you ever have any conversations  
19 with anybody that the Hawthorn Group recruited  
20 to attend and/or speak on Entergy's behalf?

21 A. Not me specifically.

22 Q. Do you know of any Entergy employee  
23 that has had any such particular conversation?

24 A. I wouldn't be able to answer that  
25 question. I've never asked anybody if they ever

1 spoke directly with anyone identified by  
2 Hawthorn.

3 Q. Was this -- Strike that. This was in  
4 anticipation of the October 16, 2017 meeting  
5 before the Council, correct?

6 A. Like I told you before, they all kind  
7 of ran together. Possibly.

8 Q. In the -- Strike that. When you saw  
9 this e-mail from Ms. Pollard, did you respond to  
10 her either in an additional e-mail or a call on  
11 the telephone and say, "I don't know what 'crowd  
12 building' means. What is Ms. Hammelman talking  
13 about"?

14 A. If you have a copy of one that I did  
15 -- You've got to realize, I probably got on  
16 average 200 e-mails a day, maybe more, probably  
17 more. I don't know I necessarily responded to  
18 -- I can tell you I didn't respond to every  
19 single e-mail I received.

20 Q. Let me show you what is marked as  
21 Exhibit 16.

22 BY MR. CAHN:

23 For the record, this is HAWTHORN

24 32.

25 BY MR. COMAN:

1                               32 and 33.

2       EXAMINATION BY MR. COMAN:

3           Q.       Take a moment to review that back to  
4       front, Mr. Rice, and let us know when you are  
5       ready to answer a couple of questions.

6           A.       (WITNESS COMPLIED).   Okay.

7           Q.       Originally, Ms. Hammelman writes an  
8       e-mail to Ms. Pollard.   The first line is,  
9       "Thanks for calling.   The answer is yes, we can  
10      help turn people out for the Monday, October  
11      16th hearing," period.   She then goes on in the  
12      next paragraph to state, "I would caution you  
13      that we generally do not recommend this type of  
14      standalone effort."   What effort was she  
15      referencing?

16          A.       Let's read it in context.   "We have a  
17      very good grassroots organizer on the ground in  
18      New Orleans who can work on this for us, and we  
19      are confident we can turn out NOLA citizens 18  
20      and older who support the issue and will tell  
21      people if asked.

22                        "These citizens would compliment the  
23      company's efforts to recruit grass tops or  
24      leadership types, business and community  
25      leaders.   These people would turn out and care

1 about jobs, economic development, reliable and  
2 affordable power, and would be highly focused on  
3 preventing the kinds of issues the city just  
4 went through."

5 So, again, exactly what I told you  
6 before, to help identify people -- grassroots  
7 people who are supportive of these issues.

8 Q. The next paragraph -- That was my  
9 question. What is the -- Why is Ms. Hammelman  
10 recommending not doing this standalone effort or  
11 that they generally do not recommend, whatever  
12 her words are?

13 A. I can't read her mind. She states in  
14 this e-mail, "Questions will be asked. 'Who are  
15 these people and why did they turn out?' For  
16 future efforts, you most certainly should have  
17 an organization behind it with faces, a website"  
18 -- we did have a website -- "where people can go  
19 for information and to join and an active social  
20 media conversation." We had that also.

21 Q. Did the Hawthorn Group undertake that  
22 particular activity, meaning, the website, or  
23 was that something Entergy had already done?

24 A. We already had a website. We had an  
25 individual who was also helping us with social

1 media.

2 Q. Later on, Ms. Hammelman uses the term  
3 "pricing menu." She's got a list of bullet  
4 points there. Do you see those?

5 A. Uh-huh (AFFIRMATIVE RESPONSE).

6 Q. It's got various prices. One of those  
7 prices is optional, dash, supporters to sign in  
8 and speak, parens, 10, colon, \$6,500; is that  
9 correct?

10 A. Yeah. That's on here.

11 Q. Right above it, she also has  
12 supporters for the hearing, parens, 50 to 100,  
13 parens, \$8,500 to \$14,000; is that correct?

14 A. Uh-huh (AFFIRMATIVE RESPONSE).

15 Q. If you flip to the first page when  
16 Ms. Pollard responds, she writes, "I reviewed  
17 this approach to Charles. We would like to move  
18 forward with the plan. Other tactics will be  
19 placed and running in the background, so you  
20 will have the benefit of general local awareness  
21 of October 16th hearing."

22 How did she review this with you? Did  
23 Ms. Pollard show you the e-mail? Did she send  
24 it to you? Did she discuss it with you  
25 verbally?

1           A.     Look.  Obviously, she didn't send me  
2     the e-mail.  If she had, I'm sure you would have  
3     it.  Second --

4           Q.     Let me stop you.

5           A.     Hold it.  Second, I'm an attorney,  
6     officer of the court.  I know what my  
7     obligations are.  I would never, ever delete a  
8     e-mail and jeopardize my law license.  If there  
9     was one out there, you would have it.

10          Q.     How is that?

11          A.     Because they would have produced it.  
12     We had no reason to hide anything.  They would  
13     have produced it.  If there was an e-mail she  
14     sent me about this issue, if you have it, show  
15     it to me.

16          Q.     I'm asking about this particular  
17     e-mail.

18          A.     You asked me how did she discuss it  
19     with me, did she forward it to me.  I'm letting  
20     you know, obviously, she didn't because there's  
21     not a copy of it.

22          Q.     Do y'all keep all e-mails?

23          A.     I don't know what the company's policy  
24     -- Whatever the company's policy is, that's what  
25     we complied with.

1 BY JUDGE JOHNSON:

2 Hold up. Go off the record.

3 BY MR. COMAN:

4 Okay.

5 (BREAK TAKEN)

6 EXAMINATION BY MR. COMAN:

7 Q. You have before you Exhibit 16; is  
8 that correct?

9 A. Yes.

10 Q. In this two-page e-mail, HAWTHORN 32  
11 and 33, as you can tell from the Bates label as  
12 well as the header in the upper left-hand  
13 corner, it was produced by Hawthorn, not  
14 produced by Entergy. Do you know why Entergy  
15 would not have produced this?

16 A. It must have fell out of the document  
17 retention policy.

18 Q. What is Entergy's document retention  
19 policy?

20 A. I don't know the particulars of the  
21 policy. I do know that at a certain point,  
22 because of the size of the system, e-mails are  
23 deleted. I don't know. Unless you actually  
24 save it, it probably just rolled off the system.

25 Q. Getting back to when Ms. Pollard

1 responds to Ms. Hammelman and references she  
2 reviewed this approach with you, how did she do  
3 it, to your recollection? How did Ms. Pollard  
4 review it with you?

5 A. Typically, she would have come in my  
6 office and tell me about the discussion.

7 Q. What specific directives did you give  
8 her regarding this particular pricing menu?

9 A. I never saw the pricing menu. She may  
10 have given what was a total number. I probably  
11 would have said I was okay with that number.

12 Q. The date of that e-mail is -- What's  
13 the date on that?

14 A. September 19, 2017.

15 Q. Let me show you what was marked as  
16 Exhibit 19. Take a moment to review that  
17 document, please.

18 A. (WITNESS COMPLIED). Okay.

19 Q. This is -- The title is "October 3,  
20 2017 Text Message Communications." It's a text  
21 message exchange between yourself and Ms.  
22 Pollard, and Ms. Pollard has already identified  
23 this exhibit and confirmed its accuracy.

24 Do you have any cause to disbelieve  
25 that this document represents the communication

1 you had with Ms. Pollard on October 3rd of 2017?

2 A. No reason to doubt it.

3 Q. This text message thread, you refer to  
4 this effort, this campaign as war; is that  
5 correct?

6 A. I did. I'm a former Army officer. I  
7 spent three years with the 101st Airborne. I  
8 spent my most formative and professional years  
9 in the military. Most former military officers,  
10 it would not be unusual for them to speak in  
11 that vernacular.

12 Q. You also stated, "We need all the foot  
13 soldiers we can muster"; is that correct?

14 A. Correct.

15 Q. Take a look at Exhibit 64.

16 A. (WITNESS COMPLIED).

17 Q. This is ENO-NOPS 1135 through and  
18 including 1139.

19 A. Okay.

20 Q. The title of this document appears as  
21 "Contract Change Order Pursuant to Contract  
22 No.," and it's listed there. I believe in the  
23 bottom of Page 1, you're listed as a point of  
24 contact for Entergy, is that correct, or one of  
25 the two; is that correct?

1 A. Where are you referring to?

2 Q. Bottom of the page.

3 A. Yes.

4 Q. And this is between Entergy and Bright  
5 Moments, LLC, correct?

6 A. Yes.

7 Q. This is dated October 3rd of 2017; is  
8 that correct?

9 A. Yes.

10 Q. If you could, turn to ENO-NOPS 1137,  
11 which is the third page of this particular  
12 document, under Exhibit A.

13 A. Okay.

14 Q. Was one of the activities Entergy  
15 engaged Bright Moments to perform is described  
16 as monitoring of opposition groups? Is that an  
17 accurate representation?

18 A. Where are you at?

19 Q. First paragraph, Exhibit A.

20 A. It's the first time I'm seeing this  
21 document. That's what it states.

22 Q. Moving forward to October 16, 2017,  
23 that particular meeting, I will show you Exhibit  
24 65, with a copy for Mr. Cahn. You recognize the  
25 scene depicted in that photograph?

1           A.       I have no -- I couldn't tell you which  
2 meeting it was. I can tell you who is sitting  
3 on the left.

4           Q.       Is Ms. Mercadel pictured there as  
5 well?

6           A.       As well as my wife.

7           Q.       In that particular photograph, you  
8 don't have an orange T-shirt on. Some of the  
9 people depicted in that scene are wearing orange  
10 T-shirts, correct?

11          A.       They are.

12          Q.       You've seen those T-shirts before?

13          A.       First time I saw was at that meeting.

14          Q.       They had some writing on the front. I  
15 think it was "Clean energy. Good jobs.  
16 Reliable power." Does that ring a bell?

17          A.       You have to show me a picture of the  
18 shirt.

19          Q.       Did you attend that meeting on October  
20 16, 2017 at the City Council chambers?

21          A.       If this is a picture of me at the  
22 meeting, obviously, I was there.

23          Q.       Did you speak at that meeting?

24          A.       No, I don't think so.

25          Q.       Why not?

1 A. There's no need for me to speak.

2 Q. What was -- Strike that. Was there --  
3 Strike that. Was the October 16, 2017 meeting  
4 viewed from Entergy's perspective as important  
5 in winning approval for the NOPS power station?

6 A. I don't know where that meeting fell  
7 in the sequence of events. Each one of those  
8 meetings was very important. It was important  
9 for the community to get accurate information.  
10 It was important to make sure that things were  
11 presented in a accurate and fair manner. I  
12 would tell you, whenever there's a meeting such  
13 as that, they are all important.

14 Q. Let me show you what's marked as  
15 Exhibit 25. It's three color photographs with  
16 no Bates numbers. Take a moment to review those  
17 three photos.

18 A. (WITNESS COMPLIED). Okay.

19 Q. The first photograph there on Exhibit  
20 25, the individuals wearing those orange  
21 T-shirts, do you know any of those people?

22 A. I'm not familiar with any of them that  
23 I can recall. I do know at least one person in  
24 here.

25 Q. Mr. Rogers?

1 A. Yeah.

2 Q. He's pictured wearing a suit?

3 A. Yeah.

4 Q. He's a representative of Council on  
5 Aging, correct?

6 A. Correct.

7 Q. Council on Aging is a community  
8 partner with Entergy; is that right?

9 A. We are supporters of Council on Aging.  
10 I guess they would be considered a community  
11 partner.

12 Q. Could you turn to Page 2.

13 A. (WITNESS COMPLIED).

14 Q. Just another vantage point, for the  
15 people in the orange T-shirts, if you know any  
16 of those individuals.

17 A. I don't know any of them personally.  
18 I do know these were union guys.

19 Q. Sitting in the front row with a sign  
20 that says, "We need power in the city"; is that  
21 right?

22 A. Yeah.

23 Q. The front row individuals, you do know  
24 -- Is that Mr. Hammond?

25 A. That's not Tiger. That could be

1 Tiger, but I don't think that's him.

2 Q. Individuals in the front row, you  
3 recognize a few of those?

4 A. First two rows.

5 Q. The individuals in the back wearing  
6 the orange T-shirts, you don't recognize those,  
7 correct?

8 A. That's kind of fuzzy. There's nobody  
9 I recognize personally.

10 Q. Could you turn to the last page.

11 A. (WITNESS COMPLIED).

12 Q. Those two Caucasian individuals with  
13 beards, do you know either of those individuals?

14 A. No. I know this lady wearing an  
15 orange shirt, I do know her.

16 Q. Who is that?

17 A. That's Chris. I can't remember  
18 Chris's last name.

19 Q. Where do you know her for?

20 A. Chris actually works for Entergy.

21 Q. If you could, turn to the front of  
22 that, the first page of 25.

23 A. (WITNESS COMPLIED).

24 Q. Besides Chris -- I'm not sure if  
25 she's --

1 A. She may have shown up later.

2 Q. Were you pleased with the show of  
3 support on Entergy's behalf that night?

4 A. I thought we had a pretty good  
5 turnout.

6 Q. I will show you Exhibit 26. This is a  
7 document with no Bates label, but it reads at  
8 the header "October 16, 2017 Text Message  
9 Communication." It has the names Pollard and  
10 Rice as well as some timing.

11 After reviewing this particular  
12 document here, do you agree that this is an  
13 accurate depiction of text message communication  
14 you had with Ms. Pollard that night?

15 A. I have no specific recollection of  
16 text. If it came off her phone and my phone,  
17 then sure.

18 Q. If I told you she testified a couple  
19 days ago that this was an accurate depiction,  
20 would you have any cause to disbelieve her  
21 assertion?

22 A. Not at all.

23 Q. It reads at 5:30 that same night that  
24 Ms. Pollard states in a text message, quote,  
25 what do you think, end quote. What was your

1 response?

2 A. "Looks fabulous."

3 Q. Did you also have an additional  
4 response following that?

5 A. "Hawthorn came through. Let's figure  
6 out how we can further engage. They turned out  
7 grassroots support. They could probably help us  
8 out even more.

9 Q. That show of support was moving on  
10 even past this particular meeting, was something  
11 that continued to be important in your mind; is  
12 that correct?

13 A. The show of support?

14 Q. Yes.

15 A. I would say, as I told you before, we  
16 had run a number of surveys. The surveys showed  
17 that there was significant support in the  
18 community. That was a very small minority that  
19 was against the plant. I thought it would be  
20 important that the crowd actually reflect what  
21 we knew was the actual support of -- for the  
22 plant, for the project.

23 Q. Prior to the October 16th meeting,  
24 2017, how successful had Entergy been, along  
25 with Entergy vendors, in showing support from

1 individuals that were not linked to either a  
2 community partnership or a trade association or  
3 a union affiliation?

4 A. There were a number of individuals  
5 that showed up that we recruited. As far as the  
6 union goes, the union guys never did work for  
7 Entergy New Orleans, at least while I was there.  
8 They were there at their own accord. There were  
9 a number of individuals that showed up on their  
10 own that didn't have any real relationship with  
11 the company other than they were interested in  
12 seeing this project move forward. They thought  
13 it was important.

14 Q. Like who?

15 A. Noah Lewis comes to mind.

16 BY JUDGE JOHNSON:

17 Who is that?

18 BY THE WITNESS:

19 Noah Lewis.

20 EXAMINATION BY MR. COMAN:

21 Q. Who is Mr. Lewis?

22 A. A resident of New Orleans East.

23 Mr. Bickham comes to mind. He's also a resident  
24 of New Orleans East. There were a number of  
25 other individuals that showed up -- I can't

1 recall the names at this particular time -- that  
2 based upon discussions with members of my team,  
3 myself, they saw the necessity for the project  
4 and they were supportive.

5 Q. Do you agree or disagree with the  
6 following statement Ms. Hammelman made to us?  
7 "It is difficult to obtain individuals to show  
8 up to support a particular cause that they are  
9 not linked to."

10 BY MR. CAHN:

11 Do you have that statement?

12 BY MR. COMAN:

13 That's a statement I made.

14 EXAMINATION BY MR. COMAN:

15 Q. I'm just asking, do you agree or  
16 disagree?

17 A. That they are not linked to? I don't  
18 know. People show up for various reasons.  
19 People -- I can't comment one way or the other.  
20 I'm not in everybody's mind. People support  
21 issues for a variety of reasons. They don't  
22 necessarily have to have any type of particular  
23 interest or partnership.

24 Q. You mentioned Mr. Lewis and  
25 Mr. Bickham. Those names were on the previous

1 list that we were going over. How was -- How  
2 were those individuals identified as potential  
3 speakers?

4 A. They showed up at a community meeting  
5 we held in New Orleans East.

6 Q. Did they show up the night of October  
7 16, 2017?

8 A. I have no idea.

9 Q. Do you recall seeing them one way or  
10 the other?

11 A. I have -- I know Mr. Lewis showed up  
12 at meetings. I know Mr. Bickham showed up. I  
13 can't recall particularly if they were at the  
14 October meeting.

15 Q. I'm going to show you Exhibit 28, a  
16 short text message.

17 A. Okay.

18 Q. This document reads that this is a  
19 text message communication between yourself and  
20 Ms. Pollard, October 20th of 2017; is that  
21 correct?

22 A. That's what it purports to show.

23 Q. If I told you Ms. Pollard identified  
24 this particular document or the statements made  
25 herein as being an accurate depiction of a

1 communication she had with you on that  
2 particular date, would you have any cause to  
3 disbelieve that?

4 A. No.

5 Q. What did you write to her on October  
6 20, 2017?

7 A. According to this, it says, "Let's  
8 discuss Hawthorn getting people there for  
9 December 13th."

10 Q. Her response was "Okay"?

11 A. That's what it says.

12 Q. What was December 13th?

13 A. I have no idea. I'm assuming it must  
14 have been another council meeting.

15 Q. I'm not sure 100 percent if there was  
16 a council meeting. We have seen records that  
17 reference an evidentiary hearing in the Pan Am  
18 Building in that same time frame. Does that  
19 ring a bell one way or another?

20 A. I don't know the dates. There was a  
21 hearing. I would be shocked if I would have  
22 asked her to get people there for that  
23 evidentiary hearing.

24 Q. Why is that?

25 A. Because that's exactly what it was.

1 It was like a trial. The only people that were  
2 allowed to speak were whoever was on the witness  
3 stand.

4 Q. Meaning, the parties to the dispute;  
5 is that correct?

6 A. Yes.

7 BY MR. COMAN:

8 Go off the record.

9 (WHEREUPON MR. TERRY ALARCON

10 ARRIVED TO THE DEPOSITION)

11 (BREAK TAKEN)

12 EXAMINATION BY MR. COMAN:

13 Q. We understand that evidentiary hearing  
14 to be mainly technical. Is that a fair  
15 statement?

16 A. I don't know what you mean by  
17 "technical." Basically --

18 Q. What was it?

19 A. It was a presentation of evidence.

20 Q. Any particular focus of that evidence?

21 A. It was a presentation of scientific  
22 information about the plant. It was a  
23 presentation of -- There were engineers that  
24 spoke. There were environmental experts that  
25 spoke. There were geologists that testified.

1 It was basically an evidentiary hearing where  
2 evidence was placed into the record.

3 Q. Did you testify at that particular  
4 hearing?

5 A. I did.

6 Q. At any point in that testimony, did  
7 you ever reference Entergy's belief in the  
8 amount of support you-all had for the power  
9 station, or was it not that type of testimony?

10 A. I have no recollection that that  
11 question was asked. I doubt -- I don't know.  
12 It's possible it was asked. I would have to see  
13 the record.

14 Q. Let me show you Exhibit 29, with a  
15 copy for your counsel. Take a moment to read  
16 that two-page e-mail, ENO-NOPS 6311 and 6312.

17 A. (WITNESS COMPLIED).

18 Q. This e-mail thread, I believe this  
19 starts with an e-mail that -- I'm sorry.  
20 Ms. Cavell referenced a quotation that was  
21 attributed to you, is that correct, by someone  
22 at The Lens NOLA; is that right?

23 A. Uh-huh (AFFIRMATIVE RESPONSE).

24 Q. You have to say yes or no.

25 A. Yes.

1 Q. That particular quotation that was  
2 referenced in the article and I think repeated  
3 here by Ms. Cavell is, quote, I think we've got  
4 them outnumbered, end quote, "chuckled Charles  
5 Rice, Junior." Did I read that correctly?

6 A. Yes, you did.

7 Q. Did you say that at that meeting?

8 A. I have no recollection of saying that.

9 Q. One way or the other?

10 A. I just don't recall saying that. I  
11 know I definitely didn't talk to whoever that  
12 reporter was.

13 Q. Mr. Stein?

14 A. Yes. I would not have given an  
15 interview to anybody.

16 Q. Okay.

17 A. If you notice I say, "I don't even  
18 remember saying that."

19 Q. Who is "them"? Is that opposition  
20 groups, or what?

21 A. It says, "I don't ever [sic] remember  
22 saying that it was a hit piece and he was  
23 clearly on the other team." I don't know where  
24 you are referring to "them."

25 Q. In the quotation.

1           A.     I don't recall saying it. I can't  
2 really say. If I did say it, it must have been  
3 referring to the opposition.

4           Q.     Does that quotation -- is that  
5 consistent with your belief from that night?

6           A.     Like I said, all these meetings ran  
7 together, so I'm not sure which one was the  
8 October meeting versus the February meeting. I  
9 can say we had representation there.

10          Q.     The October meeting is the meeting you  
11 can see on video represented in the orange  
12 T-shirt, photograph Exhibit 25 in council  
13 chambers. At that meeting, is that -- Whether  
14 you remember saying the quote, is that quote  
15 consistent with your belief from that particular  
16 night?

17          A.     They had a significant amount of  
18 representation there also. So, I would say  
19 throughout this process, I think at the meeting,  
20 it was somewhat evenly split.

21          Q.     The text message communication you had  
22 from that night, you were pleased with the  
23 Hawthorn Group's efforts, correct?

24          A.     I was pleased that they turned out  
25 grassroots support, yes.

1 Q. Take a look at Exhibit 30, which is  
2 ENO-NOPS -- Scratch that. For the record, it's  
3 HAWTHORN 58 and 59.

4 BY MR. CAHN:

5 It's two separate e-mails. One  
6 is HAWTHORN 58. Appended to that is  
7 ENO 6573.

8 BY THE WITNESS:

9 I have the same thing.

10 BY MR. COMAN:

11 That's the next exhibit. Tear  
12 that apart.

13 EXAMINATION BY MR. COMAN:

14 Q. Mr. Rice, you are not copied on this  
15 e-mail. It's an e-mail from Ms. Pollard to  
16 Ms. Hammelman six days following the October  
17 16th meeting, specifically, on October 23rd. It  
18 says here, "The second tweet by same individual  
19 we discussed, with comments."

20 Although you can't see it on the next page, it  
21 seems to be -- it is -- depicts part of a screen  
22 shot from Mr. Faust's social media activity. In  
23 that particular activity -- I'm sorry. Did  
24 Ms. Pollard at all discuss Mr. Faust with you  
25 following the October 16th meeting in reference

1 to this time frame, if you recall?

2 A. Did we have a discussion about  
3 Mr. Faust? I don't recall if we discussed him  
4 particularly. I'm sure if -- I don't know  
5 what's in this tweet. If it was a tweet she  
6 considered significant, I'm sure she came into  
7 my office and shared whatever was in it.

8 Q. This may be it. Exhibit 31, you  
9 should have that other copy. For the record,  
10 this is ENO-NOPS 6573 through and including  
11 6575. Take a moment to read that.

12 A. (WITNESS COMPLIED).

13 Q. If you can see at the beginning of the  
14 first -- at the bottom of the first page, which  
15 this is an internal communication between  
16 Ms. Cavell, Ms. Pollard, and Ms. Brown, at the  
17 bottom the words are, "So I got the verbal  
18 confirmation I needed. There were paid  
19 protestors for Entergy at City Council. \$60  
20 paid; two hours later at Dave & Buster's," and  
21 some type of hyperlink.

22 BY MR. CAHN:

23 The e-mail you are referring to  
24 is from Sprinklr to Charlotte. It's a  
25 pickup from the social media. It's

1 not an e-mail from Charlotte to  
2 Yolanda containing it.

3 BY MR. COMAN:

4 I think -- Not that it makes a  
5 difference, the Sprinklr sends it to  
6 Ms. Cavell. Then Ms. Cavell forwards  
7 it.

8 BY MR. CAHN:

9 Correct.

10 EXAMINATION BY MR. COMAN:

11 Q. This is on October 23, 2017. Did  
12 Ms. Pollard ever advise you that individuals  
13 were claiming they had been paid as described in  
14 that statement I just read?

15 A. We had that discussion. I didn't  
16 really think anything of it. To me, this was  
17 more false information put out by the opponents.  
18 They had done it throughout the process. I  
19 really didn't have any cause for concern because  
20 it was just part of their normal mode of  
21 operation, put out false information.

22 Q. As you sit here now, do you believe or  
23 disbelieve that statement?

24 A. That they were paid?

25 Q. Yes.

1           A.     Based upon what has been subsequently  
2 revealed, they were people that were paid.

3           Q.     How did Ms. Pollard communicate this  
4 to you?

5           A.     I don't recall the specific  
6 conversation. I'm sure she came to my office.  
7 And I don't know if it was in response to this  
8 particular one and said there were allegations  
9 that people were paid to show up.

10          Q.     Following this event, so to speak, on  
11 October 23, 2017, did Entergy cancel the  
12 Hawthorn Group's contract?

13          A.     I can't tell you when the contract was  
14 specifically cancelled. It goes back to, like I  
15 just said earlier, as far as I was concerned  
16 this was just another attempt to put out  
17 misinformation about the company and the  
18 project.

19          Q.     Did Entergy stop payment on any  
20 invoices from the Hawthorn Group following this  
21 particular accusation?

22          A.     At some point, we did put a stop-  
23 payment out.

24          Q.     That was in May of 2018, correct?

25          A.     You'd have to show me the document for

1 me to give you the exact date.

2 Q. The document we just looked at was  
3 from October 23, 2017. Following Ms. Pollard's  
4 relay of this particular accusation and  
5 information, did you, as Entergy CEO and/or  
6 President, take -- make any efforts to stop  
7 payment on Hawthorn's contract at that point?

8 A. Not as of October 23, 2017 because I  
9 had absolutely no reason to believe that those  
10 assertions were true.

11 Q. In anticipation of the February 21,  
12 2018 public hearing before the utility committee  
13 that took place in the Pan Am Building, that  
14 auditorium, did Entergy undertake the same  
15 efforts to produce a show of support for the  
16 NOPS power station?

17 A. We were engaging the people throughout  
18 the process. So, if you are asking me did we  
19 continue to seek out supporters, did we continue  
20 to meet with people who were potentially  
21 supportive, did we continue to educate people on  
22 the process, did we continue to educate people  
23 about the project, yes, we did continue to do  
24 that.

25 Q. Did you continue -- Did Entergy

1 continue its efforts to put bodies in those  
2 seats, so to speak?

3 A. I will tell you that we continued our  
4 efforts to turn out supporters at the meeting.

5 Q. I will show you what has already been  
6 marked as Exhibit 34A.

7 A. Okay.

8 Q. This document does not have a Bates  
9 label. It has a header that reads "January 11,  
10 2018 Text Message Communication." It contains  
11 your name as well as Ms. Pollard; is that  
12 correct?

13 A. Yes, it does.

14 Q. After reviewing this document, do you  
15 have any cause to disbelieve this is a text  
16 message communication that you had with  
17 Ms. Pollard on this particular date?

18 A. None at all.

19 Q. If you could, read what you wrote at  
20 11:25.

21 A. "Think we can get Hawthorn to get us  
22 20 people."

23 Q. Ms. Pollard responds, "Will check."  
24 Then what did you write?

25 A. "Make it 30."

1 Q. Ms. Pollard said, "Got it," and later  
2 sent you another text message that says, "Talked  
3 to Hawthorn. They will send us cost estimates."  
4 Did I read that correctly?

5 A. You did. Can I add something?

6 Q. Sure.

7 A. One thing that hasn't been said was, I  
8 will say it again, we engaged Hawthorn to  
9 identify people in the community who would be  
10 supportive. Nobody sat up there and counted how  
11 many people showed up at the meeting.

12 If Hawthorn would have got one person  
13 to show up, they would have been paid the exact  
14 same thing. This was about identifying people  
15 who were supportive, identifying people who  
16 thought this was important, and hopefully having  
17 them show up at the meeting.

18 Q. Was there a price menu based on ranges  
19 of people?

20 A. I never saw a price menu.

21 Q. We saw one earlier that Ms. Pollard  
22 discussed with Ms. Hammelman, correct?

23 A. Do you remember the exhibit number?

24 Q. I can find it. It should be 16.

25 A. On this e-mail dated September 19,

1 2017, there was a price menu.

2 Q. That's not a word I came up with. In  
3 the paragraph written there starting with  
4 "Below," you see that?

5 A. Yeah.

6 Q. It says, "Below is," a what?

7 A. Pricing menu.

8 Q. In that particular menu, it does  
9 contain parenthetically for supporters, 50 to  
10 100; for speakers, 10, correct?

11 A. It says, "Below is a pricing menu,  
12 including turning supporters out."

13 Q. It contains --

14 A. "Getting a few of them to sign in and  
15 to speak and have them deliver a message."

16 Q. The next part, they have the  
17 particular numbers that we already discussed,  
18 correct?

19 A. It also says, "It is important to note  
20 that this price is based on having three and a  
21 half weeks to complete the recruiting process."

22 Q. Let me show you again. In  
23 anticipation of that 2/21/18 hearing, this is an  
24 e-mail, page HAWTHORN 5 and 6. Let me know when  
25 you've had a chance to review it, please.

1 A. Okay.

2 Q. If we could start on the second page  
3 there, the first e-mail from Ms. Hammelman to  
4 Ms. Pollard on January 12, 2018. She says,  
5 "Yolanda, hope your dad is getting better.  
6 Thinking of you and your family. Following are  
7 some options for you for February 21." It's got  
8 under "Hawthorn fee," a description for  
9 supporters, 30 supporters at the hearings with  
10 handmade signs, five speakers, ten speakers,  
11 another pricing menu, correct?

12 BY MR. CAHN:

13 It says, "recruiting expenses."

14 EXAMINATION BY MR. COMAN:

15 Q. Is this another -- This pricing menu  
16 is similar to the one you looked at on the  
17 Exhibit 16; is that correct?

18 A. I don't know if it's necessarily  
19 similar.

20 Q. It's got bullet points with prices,  
21 correct?

22 A. It's got bullet points, yeah, with  
23 prices.

24 Q. And for 15 supporters, it's \$6,125;  
25 and for 30, it's \$7,725, correct?

1 A. Uh-huh (AFFIRMATIVE RESPONSE).

2 Q. Then there's a price for five  
3 speakers, 4,600; and ten is 6,700, correct?

4 A. Yeah. That seemed to be in proportion  
5 to it, because the price between 15 and 30  
6 people is not double.

7 Q. It's more, though, correct?

8 A. Slightly.

9 Q. It's more for the -- same thing,  
10 difference between five speakers and ten  
11 speakers, right?

12 A. Slight difference.

13 Q. If you flip to the first page in  
14 Ms. Pollard's response e-mail, Friday, January  
15 19, 2018, she writes in that paragraph, "I  
16 discussed with Charles. Let's go with 30  
17 supporters and ten speakers for the February 21  
18 utility committee meeting."

19 A. Where is that?

20 Q. Third line. Did I read that  
21 correctly?

22 A. Yeah.

23 Q. How did Ms. Pollard discuss this  
24 particular pricing menu and what Entergy wanted?

25 A. I don't have a recollection of us

1 having a specific conversation about this.

2 Q. I will show you what is marked as  
3 Exhibit 66. For the record, it's ENO-NOPS 6435  
4 through and including 6443. It's a multipage  
5 document. Let us know when you've had a chance  
6 to review it.

7 A. Okay.

8 Q. In Exhibit 66, this is an e-mail  
9 thread with attachments that you received from  
10 Ms. Pollard on January 29, 2018; is that  
11 correct?

12 A. It appears that way, yes.

13 Q. The subject line is "Review today:  
14 NOPS February 21 meeting remarks and letters to  
15 the editor," correct?

16 A. Correct.

17 Q. Correct me if I'm wrong. This seems  
18 to reference the event of you maybe writing an  
19 op-ed piece in the newspaper; is that right?

20 A. I probably had written one. I'm  
21 fairly certain I wrote one.

22 Q. Then Ms. Pollard is circulating to you  
23 and others, at least that I counted, three  
24 letters that were kind of ghostwritten; meaning,  
25 a letter that is written from the firsthand

1 standpoint of some unknown individual, correct?

2 A. It's actually four.

3 Q. There's a couple of things that may be  
4 for Mr. LaGrange or Ms. Milling, correct?

5 A. It appears to be remarks for them.

6 Q. My question is really about these  
7 letters. Who in the last page, 6443, when it  
8 says, "Sincerely, Business Owner," and it has a  
9 signatory, and this person is saying, "I own a  
10 small business," and it provides a living for  
11 his family, who is this person?

12 A. A business owner we have been -- that  
13 was supportive of the plant. I don't think it's  
14 for anyone in particular. We had met with the  
15 Chamber. We had met with the Black Chamber. We  
16 had met with the New Orleans East Business  
17 Association. We had met with the Hotel/Motel  
18 Association.

19 Through that process, if there were  
20 people identified and were willing to submit a  
21 letter, that was the form we were giving them to  
22 use, not necessarily we were expecting them to  
23 use it in that exact form, but that was a model  
24 for them to use.

25 Q. My question is this: It appears from

1 the timing and the way the documents lay out is  
2 that the letters are written first, and then  
3 later, Bright Moments or somebody else tries to  
4 find a person to fill the role; is that  
5 accurate?

6 A. I can't agree with that statement. As  
7 I stated before, throughout that two-year  
8 process, I met with a number of business  
9 organizations. There were people that came up  
10 to me throughout those meetings that said they  
11 were supportive. I can't say this was done  
12 after a certain point in time. There were  
13 people that we met with during the first year of  
14 the process.

15 We met with the Chamber. I'm sure it  
16 was more than once. We met with the Black  
17 Chamber more than once. We met with New Orleans  
18 East Business Association, their leadership as  
19 probably well as their membership. I think I  
20 met with the hotel/motel guys more than once. I  
21 probably made a trip over to the CVD too. I  
22 can't say this was done, and then we went out  
23 and tried to identify people.

24 Q. What did Ms. Pollard tell you in the  
25 last sentence of her e-mail?

1           A.       Which one?

2           Q.       The e-mail, the last sentence, read  
3 that out loud.

4           A.       "TEG/Bright Moments are working to  
5 secure names or contacts that could sign or  
6 submit these letters early this week." That was  
7 probably based upon people we had probably  
8 already talked to and identified.

9                    I will say it again. I participated  
10 in probably over 40 meetings, maybe more than  
11 that, individual meetings, small group meetings,  
12 business meetings. I think I did a presentation  
13 to the Business Council. Again, through those  
14 presentations, we probably were trying to  
15 identify people who were willing to sign  
16 something to that effect.

17          Q.       To your point in this exact e-mail,  
18 there are two individuals that are identified,  
19 Mr. LaGrange and Ms. Milling, correct?

20          A.       I met with both of them one on one.

21          Q.       Besides those two names, there's no  
22 names attached to the other letters to the  
23 editor, correct?

24          A.       That doesn't mean we didn't identify  
25 people who could potentially do it.

1 Q. Do you have any information that we  
2 can rely on or look to to let us know whether  
3 these were ever used; and if so, which persons  
4 were assigned to sign them?

5 A. I don't have that. I would have  
6 probably not been involved in that level of  
7 detail to who they would probably have gone out  
8 and talked to. I may have given them a name of  
9 someone I may have spoken with. For example, I  
10 met with Gary and Anne one on one.

11 Q. As far as the business owner and the  
12 boil water advisory, can you tell us whether or  
13 not there was some person assigned that task, or  
14 who knows?

15 A. I'm sure -- I can't tell you that. I  
16 don't know.

17 BY MR. COMAN:

18 Go off the record.

19 (BREAK TAKEN)

20 EXAMINATION BY MR. COMAN:

21 Q. Let me show you, kind of moving on the  
22 timeline here, what is marked as Exhibit 37,  
23 with a copy for your counsel. Take a moment to  
24 review that document, and let us know when  
25 you've had a chance to do so.

1 A. (WITNESS COMPLIED).

2 Q. And for the record, this is HAWTHORN  
3 16.

4 A. Okay.

5 Q. All right. And at least in the middle  
6 part of one of the first two e-mails, you were a  
7 party to that conversation, is that correct,  
8 meaning, you received the e-mail?

9 A. Yes.

10 Q. And it first starts with an e-mail at  
11 the bottom, February 20, 2018, 6:04 p.m. from  
12 Mr. Huntley. Who is Mr. Huntley?

13 A. Gary was the Vice President of  
14 Regulatory and Governmental Affairs.

15 Q. And he wrote, "I received confirmation  
16 that the room will be open at 8:30 a.m. Let's  
17 get as many of our folks there ahead of the bus  
18 from New Orleans East." Did I read that  
19 correctly?

20 A. Yes.

21 Q. And what is this e-mail in reference  
22 to? Is this the 2/21 meeting?

23 A. Must have been. It's dated February  
24 20, 2018.

25 Q. You received this e-mail, I think,

1 forwarded from Ms. Mercadel; is that correct?

2 A. Yes.

3 Q. Did Entergy intentionally -- I'm  
4 sorry. Strike that. Did Entergy intend to  
5 populate the 2/21 meeting at that Pan Am  
6 auditorium with as many supporters as possible?

7 A. We would have wanted to get as many  
8 people there as possible. I mean, basically --  
9 I mean, a lot of the people that support us are  
10 professional people. We wanted them to get  
11 there early so they could get their cards in  
12 early so they could speak and get back to work.  
13 I mean, there was no nefarious intent.  
14 It was just making sure that people who wanted  
15 to speak got an opportunity to get in early and  
16 speak and then go back to work.

17 Q. And who is Mr. Huntley referencing the  
18 bus from the East?

19 A. Pure speculation on my part. But I  
20 mean, I do know that they did have buses come  
21 from -- I think it was Mary of Vietnam Church --  
22 Queen of Vietnam Church.

23 Q. Opponents of the power station?

24 A. I know it was people who were members  
25 of the church that were bused there.

1 Q. And from your impression, were they in  
2 favor of, or were they against the power  
3 station?

4 A. To be perfectly frank, it was a bunch  
5 of senior citizens. And I really don't remember  
6 any of them speaking one way or the other, but  
7 they were there. But I would anticipate that  
8 they were probably against the plant.

9 Q. Did you attend that meeting, the 2/21  
10 meeting at the Pan Am Building?

11 A. Oh, I'm sure I was there. Yeah.

12 Q. In fact, this would have been the  
13 meeting -- correct me if I'm wrong -- that at  
14 the -- towards the end, you would have briefly  
15 made comments, or the advisors would have made  
16 comments?

17 A. I didn't make any comments that I  
18 recall.

19 Q. All right. Would anyone have made  
20 comments on Entergy's behalf? The Entergy  
21 employees, I meant.

22 A. I mean, if it's the meeting I'm  
23 thinking about, I don't recall any Entergy  
24 employees speaking. I think this was a meeting  
25 where the council took comments from the

1 community. There may have been some retirees  
2 that spoke. But I don't recall, at least  
3 anybody that worked for me, specifically  
4 talking.

5 Q. And at the end of the meeting or  
6 towards the end of the meeting was when one of  
7 the council advisors -- I believe he was a  
8 council advisor -- gave a fairly long  
9 presentation, slash, Q and A with the utility  
10 committee over the differences in the two  
11 proposals?

12 A. I don't have a specific recollection  
13 of that. The part I remember about that meeting  
14 at the end was Jason Williams asking a question  
15 of everyone in the crowd, "Is there anyone here  
16 who wants to speak or wanted to speak that did  
17 not get an opportunity to speak?" And that's  
18 what I remember about the end of that meeting.  
19 And I don't recall anyone.

20 Well, there might have been one or two  
21 people. I think we had some retirees that  
22 showed up that didn't get a chance to speak.  
23 And I think as a result of that, they probably  
24 got an opportunity to speak.

25 Q. Were you able to come and go freely in

1 and out of the room as it progressed -- as the  
2 meeting progressed?

3 A. Probably toward -- after a couple of  
4 hours. I think in the beginning of the meeting,  
5 the -- I think the security guard from the Pan  
6 Am Building restricted access because he thought  
7 the room was too packed. But then as people  
8 left, they allowed people to come in.

9 Q. Did you at any point observe a line of  
10 people attempting to gain entry into the room?

11 A. No. I observed a bunch of people  
12 sitting outside chanting. And I do recall at  
13 one point I may have left to go to the bathroom.  
14 And the guard was asking people if they wanted  
15 to go in, and those people chose not to go in.

16 Q. Who were those people?

17 A. They were a bunch of people out there  
18 with Pat Bryant.

19 Q. What were they chanting?

20 A. I don't recall the exact chants. I  
21 just know whenever the door cracked, when  
22 somebody was leaving or going, they would start  
23 chanting.

24 Q. At some point during this meeting, and  
25 I think on the video, it shows like six hours

1 and 29 minutes, so a pretty lengthy meeting.

2 Does that ring a bell?

3 A. That it was a lengthy meeting?

4 Q. Yes.

5 A. It was lengthy.

6 Q. Right. And at some point during that  
7 meeting, Mr. Faust that you referenced and we  
8 discussed earlier in your testimony stood up and  
9 on the video and the audio that you can hear  
10 claim that Entergy had paid people at the 10/16  
11 meeting.

12 A. I don't remember the exact date where  
13 he said that. But if you tell me that's on the  
14 tape, I have no reason to dispute it.

15 Q. Did you observe that? Were you in the  
16 room at the time?

17 A. I think I was.

18 Q. And I guess he had two to three  
19 minutes like everybody had. But in that time  
20 frame that you can watch on video, he makes that  
21 statement, I believe, at the beginning of his  
22 comment. When you heard that, what reaction did  
23 you have to his comments?

24 A. I didn't believe him. If you had had  
25 any experience watching Mr. Faust at any of the

1 previous meetings where he showed up, his  
2 behavior was always somewhat erratic. And he  
3 also was part of the group that put out a lot of  
4 misinformation and disinformation. So, I had no  
5 reason to believe anything he said was accurate.  
6 I thought he was just doing what he normally  
7 does.

8 Q. As you sit here today, do you believe  
9 his statement? Do you believe it's true or  
10 false at this stage?

11 A. I mean, based upon what has been  
12 revealed subsequently, there were some people  
13 that were paid by Crowds on Demand.

14 Q. Working for the Hawthorn Group?

15 A. I don't know who they work for.

16 Q. You don't know one way or the other?

17 A. I know that Hawthorn retained Crowds  
18 on Demand without our authorization.

19 Q. Were you aware that Ms. Pollard  
20 received an e-mail from the Hawthorn Group that  
21 referenced Crowds on Demand?

22 BY MR. CAHN:

23 Hold on. That's not accurate.

24 EXAMINATION BY MR. COMAN:

25 Q. You understand my question?

1           A.     I have no idea if -- I mean, if  
2     there's a e-mail, I would like for you to show  
3     it to me.  But I'm not aware of her getting a  
4     e-mail from Crowds on Demand.

5           Q.     Have you reviewed documents in this  
6     case -- in this matter?

7           A.     I've looked at some documents.

8           Q.     When was that?

9           A.     At a meeting with Mr. Cahn and  
10    Mr. Becker.  I think the judge was at the  
11    meeting.

12          Q.     Which documents did you review?

13          A.     It was e-mails, some of the documents  
14    which you shared with us today.

15          Q.     And when was that?  Not what was  
16    discussed, but when did you do that?

17          A.     I don't recall specific dates.  I  
18    think we may have met last Wednesday or  
19    Thursday.

20          Q.     Following Ms. Pollard's testimony?

21          A.     I don't know when she testified.

22          Q.     Did you review her deposition  
23    transcript or a rough draft?

24          A.     Nope.

25          Q.     I will show you what was marked last

1 week as Exhibit 20. I just have one copy. If  
2 you'll excuse me, I'll reach here.

3 A. Okay.

4 Q. And for the record, I believe Exhibit  
5 20 is HAWTHORN 1 Bates label. Now, you're not a  
6 party to this conversation, correct, this  
7 communication?

8 A. I'm not on the e-mail. But from what  
9 I see, it appears that Steven Cohen on October  
10 3, 2017 at 1:04 p.m. e-mailed Suzanne Hammelman,  
11 Adam Stewart or Swart, and that it looks like at  
12 some point this e-mail -- Let's see.

13 The original e-mail between Mr. Cohen,  
14 Ms. Hammelman, and Mr. Swart happened at 1:04.  
15 And then at 1:27 on October 3rd, an e-mail was  
16 forwarded to Yolanda by Suzanne. And neither  
17 Mr. Swart nor Mr. Cohen were on that e-mail.

18 Q. What's Mr. Swart's e-mail address  
19 listed there?

20 A. It says "Adam@crowdsondemand.com."

21 Q. So, going back to that 2/21 meeting,  
22 you see Mr. Faust make his statement. Following  
23 that statement and that meeting, did you -- and  
24 I mean immediately, did you take any immediate  
25 actions to --

1 A. No.

2 BY MR. CAHN:

3 You've got to let him finish  
4 his question.

5 BY THE WITNESS:

6 Okay. Sorry.

7 EXAMINATION BY MR. COMAN:

8 Q. That's all right.

9 So, following that meeting, that 2/21  
10 meeting and Mr. Faust's statements, did you on  
11 behalf of Entergy take any immediate steps to  
12 cancel Hawthorn's contract?

13 A. No, because I had no reason to believe  
14 Mr. Faust was telling the truth.

15 Q. And this, obviously, we referenced  
16 earlier in your testimony, not we, but you had  
17 received similar allegations following that  
18 10/16 meeting?

19 A. 10/16 of what year?

20 Q. 2017.

21 A. Well, that doesn't make sense because  
22 this is October 3rd of 2017. So, this was  
23 before that.

24 Q. Correct. And I'm just kind of  
25 referencing now 2/21. Okay? You had two

1 meetings at issue focused of this inquiry.

2 A. Okay.

3 Q. October 23 of 2017 as well as earlier  
4 this year, February 21, 2018.

5 A. Okay.

6 Q. And so, you reviewed those e-mails  
7 following October 16th. And I believe the date  
8 is October 23 of 2017 -- we haven't looked at  
9 that one -- where there was some Internet  
10 discussion, so to speak, regarding people  
11 allegedly being paid to attend and/or speak on  
12 Entergy's behalf.

13 A. Are you talking about this one?

14 Q. Yes. Exhibit 31.

15 A. So, what was your question?

16 Q. My question was, when Mr. Faust stood  
17 up, that was at least the second time that you  
18 had heard that allegation; is that correct?

19 A. It was subsequent to this Sprinklr  
20 note. So, that was probably the second time I  
21 heard it.

22 Q. Let me show you what is already marked  
23 as Exhibit 45.

24 A. Okay.

25 Q. Then on March 23rd of 2018 -- and I

1 don't believe you're a party to this particular  
2 communication -- but did Ms. Pollard on behalf  
3 of Entergy take actions to see that the Hawthorn  
4 Group, their invoices was facilitated and paid;  
5 is that correct?

6 A. The document says, "Please process the  
7 attached invoice for the Hawthorn Group. Let me  
8 know if you need any additional information."

9 Q. And "process the attached invoice,"  
10 when Ms. Pollard sent that to accounts payable,  
11 that means pay it, correct?

12 A. If she asked them to process the  
13 payment, I think --

14 BY MR. CAHN:

15 No. Different. That's not  
16 related to that.

17 BY THE WITNESS:

18 And if she asked them to  
19 process payment, then it's fair to  
20 assume she was asking that they be  
21 paid.

22 EXAMINATION BY MR. COMAN:

23 Q. If you can, look at Exhibit 46, which  
24 for the record is ENO-NOPS 319 through and  
25 including 322.

1 A. (WITNESS COMPLIED).

2 Q. If you just look at the last page,  
3 322.

4 A. (WITNESS COMPLIED).

5 Q. I don't have very many questions. But  
6 just following up on that previous e-mail, is  
7 this Ms. Pollard submitting both to Bright  
8 Moments as well as the Hawthorn Group an invoice  
9 for payment; is that correct?

10 A. That's what the document states.

11 Q. Did Ms. Pollard ever discuss with you  
12 -- In fact, let me just show you Exhibit 47.  
13 This is an e-mail thread that I do not believe  
14 you are on. It's ENO-NOPS 249 through and  
15 including 252. Take a moment to look at those  
16 four pages, and let us know when you're ready to  
17 answer a couple of questions.

18 A. (WITNESS COMPLIED). Okay.

19 Q. Let me show you. These kind of --  
20 These all go together, Exhibits 48 and 49, which  
21 I don't have an extra copy of.

22 A. Is this the same document, or is this  
23 something different?

24 Q. It's something different, and I'll  
25 point it out to you. Are you ready now?

1 A. (WITNESS SHOOK HEAD NEGATIVELY).

2 Q. Just for your reference, Section A has  
3 a difference between the two, 1A.

4 A. Okay.

5 Q. The first exhibit is an e-mail thread  
6 between Ms. Pollard and a few others, not  
7 including you, that requests that a contract  
8 change order, being 48, be edited to remove the  
9 phrase "talk point and testimony" -- "Talk  
10 points and testimony will be vetted," which then  
11 results in a new contract change order for the  
12 Hawthorn Group, Exhibit 49. Do you see that,  
13 Mr. Rice?

14 A. The e-mail, yeah. "Talk point and  
15 testimony will be vetted."

16 Q. And Ms. Pollard is telling others at  
17 Entergy that she's asking for that line to be  
18 removed, correct?

19 A. She writes, "Please delete the line  
20 'Talk point and testimony will be vetted.' This  
21 was also general vendor discussion not intended  
22 for the final contract."

23 Q. So, you see the difference between the  
24 result -- the difference between the two, 48 and  
25 49, at that line that Ms. Pollard referenced in

1 the e-mail has been removed?

2 A. Yes.

3 Q. Did she discuss -- Did Ms. Pollard  
4 discuss this with you?

5 A. Not that I recall.

6 Q. Tell us about an asset sweep. How  
7 does that work to an outsider?

8 A. Unfortunately, I can't really give you  
9 a class on asset sweep. Probably my assistant  
10 is better -- My former assistant is probably  
11 better suited to give you a class on asset  
12 sweep. But my experience is I will get an  
13 e-mail that there was something for me to  
14 approve. I would log into the system, and it  
15 would have a line, approve whatever it is. And  
16 I think it might say it's been reviewed by  
17 somebody previously, and then I would approve  
18 it.

19 Q. And, what, you just check "approved"  
20 in a box, and then say "okay" or something to  
21 that effect?

22 A. Pretty much.

23 Q. I will show you Exhibit 50, and that  
24 is for the record ENO-NOPS 6009 through and  
25 including 6014.

1 A. Okay.

2 Q. My question is specifically on 6011.

3 A. And I apologize. This is too small  
4 for me to make this out totally, but go ahead.  
5 I'll try and answer.

6 Q. The top half of 6011, in looking at  
7 it, you see the user ID? The first one says,  
8 "T. Guidro" and then "C. Rice," upper left-hand  
9 -- sort of upper left-hand corner?

10 A. Where is that? Show me.

11 Q. (INDICATING).

12 A. I'm sorry, man. I need to upgrade my  
13 readers.

14 Q. My question is, this appears to show  
15 that you approved the Hawthorn invoice for the  
16 power station on, let's say, 10/18 of 2017?

17 A. I see my name on it. I apologize. I  
18 can't tell you whether or not this indicates I  
19 approved it.

20 Q. Well, you see the word "action"?

21 A. Within the normal process at Entergy,  
22 more than likely, I would have approved this.

23 Q. Specifically, if you look in that  
24 middle column, you see the word "approved" on  
25 the same line as your name?

1 A. Uh-huh (AFFIRMATIVE RESPONSE).

2 Q. So, you approved -- This shows that  
3 you approved the Hawthorn Group invoice,  
4 correct?

5 A. It has the word "approved," yeah. I  
6 approved it.

7 Q. Ms. Pollard does not have or did not  
8 have at the time authority to perform that  
9 function? That's what we understand; is that  
10 correct?

11 A. She more than likely would have been  
12 the first reviewer, and then she probably would  
13 -- I don't know. I can't say. I don't want to  
14 speculate.

15 Q. If we told you that's what she  
16 testified to, she didn't have that authority,  
17 she may have had access, but not authority to  
18 approve an invoice, would you have any cause to  
19 disbelieve her assertion?

20 A. I have no reason to dispute it.

21 Q. And then look at the -- Go to 6013,  
22 second to last page. The typed-in narrative  
23 there, I guess that winds up being typed in  
24 scope. Someone took the time to retype it so we  
25 could actually read it in that screen shot.

1 Where does that information come from?

2 A. I have no idea.

3 Q. That's not something you would type  
4 in, correct?

5 A. Uh-uh (NEGATIVE RESPONSE).

6 Q. I'm sorry.

7 A. No.

8 Q. In the last page there, 6014, again,  
9 do you see your name as having approved this  
10 second Hawthorn expenditure on 2/19 of 2018? Do  
11 you see that?

12 A. It looks like what appears to be  
13 "Rice," and then under one of the columns, it  
14 does say "approved."

15 Q. The column next to your name says,  
16 "approved," correct?

17 A. Yeah. Yes. Sorry.

18 Q. Then moving on, April 30th, Exhibit  
19 52, if you take a moment to review that two-page  
20 e-mail thread, which is for the record ENO-NOPS  
21 5763 and 5764.

22 A. (WITNESS COMPLIED).

23 Q. On the second page, Mr. Stein sends an  
24 e-mail to Ms. Cavell notifying her that he's  
25 going to write a story, quote, about people

1 allegedly being paid to show up to utility  
2 committee meetings to show support for Entergy's  
3 proposed power plant, correct?

4 A. Uh-huh (AFFIRMATIVE RESPONSE).

5 Q. Then he asked Ms. Cavell did Entergy  
6 want to provide a response, correct?

7 A. He did.

8 Q. And you're a couple of days later on  
9 April 30th, on the front page, 2018, your  
10 position was to not "respond unless he provides  
11 more details, and then I still don't know if we  
12 should." Is that what you wrote on that  
13 particular e-mail?

14 A. I wrote that. I wrote that because I  
15 had no reason to believe anything in that story  
16 was true. And that's why I didn't think we  
17 should respond, because we had no knowledge of  
18 anyone being paid, so why would we respond. And  
19 that's why I said, unless he provides more  
20 details. And then I still don't know if we  
21 should because we couldn't really verify  
22 whatever it was that he may have come up with.

23 Q. So, this is the third instance that  
24 we've reviewed today that Entergy was notified  
25 regarding these allegations, correct?

1           A.       Yeah.  And if you see at that time, we  
2 actually elevated it to people in the legal  
3 department.

4           Q.       Take a look, if you could, at Exhibit  
5 57, ENO-NOPS 5923 and 5924.

6           A.       (WITNESS COMPLIED).  Okay.

7           Q.       If you could, look at the -- I guess,  
8 first, this is an e-mail thread.  Mr. Ehrhardt  
9 sends a statement to you on May 4, 2018; is that  
10 correct?

11          A.       Yeah.

12          Q.       Where did Mr. Ehrhardt receive the  
13 information for him to draft this particular  
14 statement?

15          A.       I have no idea.

16          Q.       Did you have personal one-on-one  
17 conversations with Malcolm Ehrhardt?

18          A.       That's possible, but I'm sure -- I  
19 mean, I don't know if this was -- had been on  
20 the news or not by this time.  I mean, I don't  
21 know if he and I would have specifically spoken  
22 about it at that time.

23          Q.       If you turn to the second page, first  
24 sentence of that first full paragraph, it reads,  
25 "Entergy New Orleans had no knowledge of

1 individuals or organizers of an effort to seed  
2 an audience," period.

3 A. Uh-huh (AFFIRMATIVE RESPONSE).

4 Q. And this is under your name, Charles  
5 Rice, President and CEO, at least at that point,  
6 correct?

7 A. This was something that Mr. Ehrhardt  
8 drafted for me to consider sending, I'm sure.

9 Q. The sentence that I just read, is that  
10 true or false?

11 A. I mean, we didn't -- I don't know if  
12 -- Attempt to seed an audience. Did we want to  
13 have supporters there for us? Sure, we did.  
14 Did we want people there who would speak on  
15 behalf of the power plant? Definitely. Did we  
16 want people there who were knowledgeable of the  
17 issues and who could articulate our  
18 position? Definitely.

19 I wouldn't say we were attempting to  
20 seed the audience. I mean, we wanted grassroot  
21 support there. We wanted people who were  
22 identified as being in support of the plant to  
23 be there.

24 Q. And I understand that. My question is  
25 just very straight forward. Is the statement

1 that was attributed to you, at least on that  
2 particular date --

3 A. I don't know if this statement ever  
4 went out. Did it?

5 BY MR. BECKER:

6 Not attributed, just suggested.

7 EXAMINATION BY MR. COMAN:

8 Q. The words on the piece of paper.

9 A. Look. Unless you can show me that the  
10 statement went out --

11 Q. I'm not asking you that.

12 A. I am telling you, and if you will  
13 allow me to answer.

14 Q. Sure.

15 A. Unless you can show me that the  
16 statement went out, then you would have to ask  
17 Mr. Ehrhardt what he meant by that. I mean, did  
18 we -- I mean, I don't know if this ever went  
19 out. I don't recall if it ever went out. I  
20 mean, what "seeding an audience" means to him  
21 and what it means to me may be two different  
22 things.

23 Q. And I'm not asking about whether it  
24 went out. My question was just is that  
25 statement true or false?

1           A.     And I am telling you I don't know what  
2     "seed an audience" means.

3           Q.     So, where did Mr. Ehrhardt get the  
4     information from so he could sit down and type  
5     out this statement, assuming that's what took  
6     place?

7           A.     I mean, you would have to ask him  
8     that. I mean, I don't know if he got it from  
9     the news. I don't know if he spoke with people.  
10    I don't know. He could have got it from  
11    somebody on his team. I don't know where he got  
12    it.

13          Q.     But if it's a denial on Entergy's  
14    behalf, Mr. Ehrhardt would not be in a position  
15    to make his own unilateral conclusion as to what  
16    Entergy knew, didn't know, did, or didn't do?  
17    He would have to communicate with someone at  
18    Entergy, correct?

19                   BY MR. CAHN:

20                             Matt, I think there are other  
21                             documents you have that show how the  
22                             statement came about.

23                   BY MR. COMAN:

24                             I'm just asking what he knows.

25                   BY THE WITNESS:

1                   I mean, I don't know if  
2                   Mr. Ehrhardt is a public relations  
3                   professional. He probably was being  
4                   proactive. I mean, like I said, I  
5                   don't know where he got it. He could  
6                   have seen something on the news.  
7                   Someone on his team could have been  
8                   following social media.

9                   I mean, I'm not going to sit  
10                  here and speculate as to what Malcolm  
11                  knew and when or who he communicated  
12                  with.

13                EXAMINATION BY MR. COMAN:

14                Q.     And then from this e-mail, you  
15                forwarded it on to Mr. Lagarde; is that correct?

16                A.     That's what it looks like.

17                Q.     And what did Mr. Lagarde say in  
18                response?

19                A.     He said he liked it. In fact, his  
20                exact quote is, "I like it."

21                Q.     And then take a look at 58, which  
22                should be ENO-NOPS 5737 and 5738.

23                A.     (WITNESS COMPLIED).

24                Q.     In this e-mail thread, it looks like  
25                it's the same statement, a draft statement from

1 Mr. Ehrhardt, but then it's circulated to others  
2 on the Entergy team; is that correct?

3 A. Yes.

4 Q. Take a look at 59.

5 BY MR. CAHN:

6 Oh, wait. Let's just be clear.  
7 That's not the statement -- the prior  
8 statement, is it?

9 BY MR. COMAN:

10 It is. It is the same one.

11 BY MR. CAHN:

12 Okay.

13 BY THE WITNESS:

14 Okay.

15 EXAMINATION BY MR. COMAN:

16 Q. If you could, look at 59.

17 A. (WITNESS COMPLIED). All right.

18 Q. And so, going back, 57 -- So, 59 is  
19 the statement again, but now, quote, in final  
20 version that's going to be distributed; is that  
21 correct?

22 A. It says, "See final version." But if  
23 you notice that statement regarding the one you  
24 were making a issue about, "Entergy New Orleans  
25 had no knowledge of individuals or organizers of

1 an effort to seed an audience," that's not in  
2 the so-called "final version."

3 Q. Exactly. This is an e-mail you sent,  
4 correct, Mr. Rice?

5 A. It appears that way, yes.

6 Q. And if you turn to that second page,  
7 which is 5808, the sentence that we looked at  
8 earlier regarding seeding an audience, quote,  
9 unquote, has now been changed or was changed to,  
10 "As we've stated previously, Entergy New Orleans  
11 did not pay anyone to attend the council  
12 meetings or direct anyone to attend public  
13 meetings," period. Did I read that correctly?

14 A. You did.

15 Q. Who made that change?

16 A. I don't know.

17 Q. I'm sorry.

18 A. I don't know.

19 Q. All right.

20 A. It could have been a number of people.

21 Q. Was it you?

22 A. I have no recollection. I mean, I  
23 would be speculating if I told you who I think  
24 made the change.

25 Q. Okay.

1           A.     It also says, "Instead, we worked  
2 tirelessly to encourage our supporters to take  
3 time from their busy workday schedules to  
4 testify on behalf of this project."

5           Q.     And that was in the original version  
6 as well, correct?

7           A.     Yeah, it was.

8           Q.     So, that part was not changed,  
9 correct?

10          A.     No.

11          Q.     Similar to the text message  
12 communications that you had with Ms. Pollard,  
13 did you text other Entergy employees regarding  
14 the NOPS application or any related topic?

15          A.     I'm sure I did. I mean, I know at  
16 some point I'm sure I traded text messages with  
17 several people.

18          Q.     Have you ever exchanged text messages  
19 with anyone regarding the general topic of  
20 Entergy paying people to attend and/or speak at  
21 public meetings?

22          A.     I have no recollection of that. I  
23 mean, if there's a text message that shows I  
24 did, then I did, but I have no recollection of  
25 doing that.

1 Q. What telephone device did you use,  
2 let's say, starting with, say, summer of last  
3 year?

4 A. iPhone.

5 Q. The same iPhone?

6 A. Uh-huh (AFFIRMATIVE RESPONSE). Yes.

7 Q. What version of that? What version  
8 was it?

9 A. You'd have to ask my son.

10 Q. How long have you had it, ballpark?

11 A. I don't know. Maybe two years. I  
12 don't know. Maybe longer. It's probably -- I  
13 know it's not the latest and greatest.

14 Q. And as part of the aftermath of  
15 various allegations and the City Council's  
16 investigation, did you turn that telephone, that  
17 device in to Entergy?

18 A. Twice.

19 Q. When was the first time, ballpark?

20 A. I can't give you the date.

21 Q. Was it --

22 A. It's probably in the last six months.

23 Q. Did you before turning it in or at any  
24 point review the phone yourself to see what text  
25 messages you may have that would have been

1 relevant to this inquiry?

2 A. I don't think so.

3 Q. And when was the most recent time that  
4 you turned the telephone in to Entergy?

5 A. I think it was last week. Let me go  
6 back. I probably did look through my phone at  
7 some point. But I swap text messages with  
8 people that work for me all the time, depending  
9 on where I'm at and what's going on.

10 Q. Sure. Can you explain why, except for  
11 one text message that we will review in a little  
12 bit, that there have been no text messages  
13 disclosed to us?

14 A. You would have to ask the  
15 technological expert that question. But I can  
16 assure you that I made no purposeful effort to  
17 delete any text messages. I would have no need  
18 to.

19 Q. Did you have any issues with the  
20 telephone, an accident, somebody ran over it in  
21 the street, anything like that?

22 A. Not that I'm aware of.

23 Q. So, same telephone with no issues,  
24 correct?

25 A. Correct.

1 Q. The text messages that we did review  
2 so far, the ones that you had with Ms. Pollard,  
3 would you have any personal issue with turning  
4 over the actual spreadsheet of those text  
5 message exchanges?

6 BY MR. CAHN:

7 Matt, that's being handled  
8 through legal.

9 BY MR. COMAN:

10 I'm asking him. I understand  
11 y'all's position.

12 BY THE WITNESS:

13 What you mean, "spreadsheet"?

14 EXAMINATION BY MR. COMAN:

15 Q. What I showed you before is actually  
16 words on a piece of paper that we've already  
17 discussed. I'm talking about more of a  
18 technological printout as opposed to what we  
19 reviewed. Would you have any issue with  
20 producing that to us during this inquiry?

21 BY MR. CAHN:

22 Matt, that's going to be  
23 handled through legal.

24 EXAMINATION BY MR. COMAN:

25 Q. So, what is your personal view on

1 that?

2 A. On what?

3 Q. On whether or not you would allow us  
4 to -- Why won't you give us the text messages?

5 BY MR. CAHN:

6 He's going to defer to legal.

7 And we've stated our position to the  
8 investigators, including yourself.

9 EXAMINATION BY MR. COMAN:

10 Q. Is that accurate? Do you want to  
11 defer to legal as opposed to make your own  
12 decision? I'm asking you, Mr. Rice.

13 A. I am a lawyer. I'm deferring to legal  
14 counsel.

15 Q. Were you interviewed as part of an  
16 investigation conducted by Entergy's in-house  
17 counsel?

18 A. Yes.

19 Q. And who interviewed you?

20 A. I'm sure I spoke with Mr. Cahn. I'm  
21 sure I had conversations with Mr. Brown, Tim  
22 Cragin, and Brian Guillot. Those are people  
23 that I spoke to in the legal department. As far  
24 as the so-called "investigation," it was  
25 probably Mr. Cahn.

1 Q. And who was present during that  
2 particular interview session, if anyone else?

3 A. I think it was just me and Mr. Cahn.

4 Q. Let me show you a letter that's marked  
5 as Exhibit 67.

6 A. Okay.

7 Q. This is a letter, I think a public  
8 document dated May 15, 2018 on City Council  
9 letterhead, as well as it appears to be signed  
10 by all the current City Council members; is that  
11 correct?

12 A. Yes.

13 Q. And this is what I'll call a "hold  
14 notice" or a "hold letter" addressed to you,  
15 Charles Rice, Junior, President and CEO of  
16 Entergy New Orleans; is that correct?

17 A. That's correct.

18 Q. What efforts did you take at Entergy  
19 in order to comply with this letter?

20 A. As soon as I got it, I forwarded it to  
21 the legal department, I'm sure. Based on prior  
22 experience, they did what we do when there's a  
23 litigation hold.

24 Q. Besides whatever the legal department  
25 did, did you perform any functions yourself

1 besides forwarding it on to legal?

2 A. I mean, I followed our normal process.

3 I mean, I have e-mails that are on the system.

4 We have -- The system searches it. And, you  
5 know, based upon past experience, they hold the  
6 documents for so long. I'm sure once the  
7 litigation was hold -- was put on, the legal  
8 department did what they were supposed to do.

9 Q. Right. And my question was this: Did  
10 you take this letter and then -- besides giving  
11 it to the legal department and letting that  
12 process take place, did you sit down, did you  
13 type an e-mail to employees or have staff  
14 meetings or anything along those lines where you  
15 said --

16 A. That's not my --

17 BY MR. CAHN:

18 Let him finish his question.

19 EXAMINATION BY MR. COMAN.

20 Q. -- where you said, "Hey, look. I've  
21 got this letter. I want y'all to do X, Y, and  
22 Z"?

23 A. Well, that's not my job. It would not  
24 have been my job to do that. That would have  
25 been the legal department's job. And I'm sure

1 once I received this, I immediately sent it to  
2 the legal department.

3 BY MR. COMAN:

4 I have another exhibit, but I  
5 need to go print it out. We need to  
6 take a break.

7 (BREAK TAKEN)

8 EXAMINATION BY MR. COMAN:

9 Q. I just have a couple more things I  
10 want to show you. Exhibit 68 is a series of  
11 still color photographs from the October 16,  
12 2017 meeting. And as you look at those, my  
13 question is basically this: Do you know any of  
14 those individuals?

15 A. This one looks familiar, but I can't  
16 say that I know him.

17 Q. It's Mr. Hampton. He lives in  
18 Marrero. Do you know him?

19 A. I mean, he looks familiar. I can't  
20 say that. He just looks familiar. I live on  
21 the Westbank, so I may have encountered him over  
22 there.

23 Q. All right. If I told you these  
24 individuals or many of these individuals were  
25 paid to speak on Entergy's behalf, would you

1 have any reason to disbelieve my assertion?

2 A. No.

3 Q. I will show you Exhibit 69 which is,  
4 again, an un-Bates-labeled copy or document that  
5 reads "September 17, 2018 Text Message  
6 Communication."

7 A. Uh-huh (AFFIRMATIVE RESPONSE).

8 Q. It reads, "Wendell Bugg to Charles  
9 Rice. You made This Week with John Oliver in a  
10 segment about astroturfing. Crowds on Demand  
11 was hung out there," period. Did you receive  
12 that text from Mr. Bugg recently?

13 A. Sure.

14 Q. And who is Mr. Bugg? Did I pronounce  
15 it correctly?

16 A. Let's see. One of my best friends  
17 from college. We were in ROTC together. We  
18 served in the 101st together. We lived together  
19 while we were in the Army. He's the godfather  
20 to one of my kids. He is a former PR  
21 professional; former Vice President of Public  
22 Relations and Governmental Affairs for Honda;  
23 and later held a similar role at Toyota; and  
24 then later held a similar role with Northrop  
25 Grumman; and now lives in Washington, D.C.

1 Q. Where does he work now?

2 A. He is self-employed right now.

3 Q. What's the Invictus Group, and are you  
4 involved in that entity?

5 A. The Invictus Group is a company that  
6 he formed where he has listed me on his roster  
7 of professionals.

8 Q. And what type of company?

9 A. He does consulting.

10 Q. Is it a PR firm, public affairs?

11 A. I'm sure he does some of that with it.

12 Q. Do you know if Invictus Group has ever  
13 retained, associated, or employed in any way the  
14 Hawthorn Group and/or Crowds on Demand?

15 A. No, not that I'm aware of.

16 Q. What does the term "astroturfing" mean  
17 to you?

18 A. I had never heard of the term  
19 "astroturfing" until this event. So, I mean, if  
20 I gave you a definition, it would be strictly  
21 based upon whatever I observed during the  
22 situation, I guess, which would be people paying  
23 a crowd to show up.

24 Q. Did you watch the HBO segment that  
25 Mr. --

1 A. No, I haven't watched it.

2 Q. I'm sorry.

3 A. I haven't watched it.

4 BY MR. COMAN:

5 Gentlemen.

6 EXAMINATION BY MR. IBERT:

7 Q. Mr. Rice, you said that Hawthorn, you  
8 retained them to identify people who would  
9 support the plant, but all the contracts  
10 referred to turning out that support. If you  
11 were just interested in the -- them identifying  
12 supporters, why didn't you-all just pay for the  
13 list?

14 A. That's an interesting question. Well,  
15 we have a very small staff. So, if they had a  
16 list of thousands, it would be very difficult  
17 for us to have contacted all those people.

18 Q. Well, you would have been able to go  
19 through that list, right, and double-check  
20 versus the people that you already knew,  
21 eliminated duplicates, and not waste time?

22 A. If someone had time to do that, sure.

23 Q. And it's your position that no one at  
24 Entergy had time to make sure the supporters  
25 turned out on their own?

1           A.       There were plenty of people that  
2 showed up on their own. I'm not quite sure what  
3 you're talking about.

4           Q.       Are you saying the efforts of Ms. Toni  
5 Green-Brown, Mr. Dunn, and the other Entergy  
6 employees to get these people out there were in  
7 vain and not effective?

8           A.       No way, shape, or form am I making  
9 that statement. Those are three people. It  
10 would be very difficult for them, considering  
11 all the other things that they have to do, to  
12 take a list of thousands and contact thousands  
13 of people or hundreds of people.

14          Q.       Did you know that the list was  
15 thousands of people?

16          A.       I never saw a list. But the Hawthorn  
17 Group, if you look at their material, I think it  
18 says they have approximately a quarter million  
19 people that they can reach out to.

20          Q.       Did they tell you how they were going  
21 to reach out to those people?

22          A.       I didn't have that conversation with  
23 them.

24          Q.       Did you ever ask them?

25          A.       No.

1 Q. In your professional capacity  
2 throughout your career, you've worked for groups  
3 that measure performance consistently, correct?

4 BY MR. CAHN:

5 Can you clarify that question?

6 EXAMINATION BY MR. IBERT:

7 Q. I mean, the Army measures performance,  
8 right?

9 A. Sure.

10 Q. Do fitness reports -- As part of your  
11 duties in the Army, you had to write the fitness  
12 reports, correct?

13 A. In the Army, they're called "OERs."

14 BY MR. CAHN:

15 He's Navy, so be careful.

16 BY THE WITNESS:

17 OERs for officers. I can't  
18 remember what you call it for NCOs.

19 EXAMINATION BY MR. IBERT:

20 Q. But there were reports that were  
21 written on performance?

22 A. Yeah.

23 Q. And you measured the individual versus  
24 other people in a similar situation, correct?

25 A. Sometimes there are goals that are

1 given.

2 Q. And you do that as part of your job at  
3 Entergy as the president, correct?

4 A. I would evaluate people's performance,  
5 yes.

6 Q. And you would evaluate contractors,  
7 correct?

8 A. Depends on whether or not I was  
9 directly supervising that contractor.

10 Q. Other employees within your  
11 organization measured the performance of  
12 contractors, correct?

13 A. Sure.

14 Q. And there was some kind of  
15 understanding prior to engaging the contractor  
16 as to how the contractor was going to be  
17 measured, correct?

18 A. I guess in some respects that's true.  
19 That doesn't necessarily mean that I would  
20 necessarily lay out the performance measures.

21 Q. But someone at Entergy would lay out  
22 the performance measures, correct?

23 A. Sure.

24 Q. And that's part of every contract with  
25 Entergy?

1           A.     I couldn't talk about every contract  
2 at Entergy.

3           Q.     Under what kind of contracts at  
4 Entergy would Entergy engage a contractor and  
5 not provide in the contract how Entergy was  
6 going to measure performance of the contract?

7           A.     I can't speak for the entire company.

8           Q.     Under your direction, would you ever  
9 have approved contracts that could not be  
10 measured as to whether or not the paid-for  
11 service was delivered?

12          A.     I don't think -- I mean, you're really  
13 talking in generalities. I mean, there are  
14 certain contracts where there may not be a  
15 performance matrix associated with it.

16          Q.     Okay.

17          A.     Establish a certain task, and an  
18 individual could accomplish that task. It could  
19 be just to provide information to someone. It  
20 could be to do research. So, you know, I can't  
21 speak for every single contract that's ever  
22 written by Entergy.

23          Q.     Those are, again, things that can be  
24 measured, whether or not the research was, in  
25 fact, provided on time, whether the information

1 is provided, right?

2 A. It could be evaluated.

3 Q. Measured? I mean, it was either  
4 received on the date due or it wasn't received  
5 at all, right? That's a measurement.

6 A. I don't necessarily agree with what  
7 you're saying.

8 Q. Well, how would you describe that?

9 A. There's a deliverable.

10 Q. In every contract, do you have  
11 deliverables stated?

12 A. I can't make a comment on every single  
13 contract. I'm sorry.

14 Q. What kind of contracts don't have  
15 deliverables at Entergy?

16 A. I don't know. I'm not familiar with  
17 every contract at Entergy.

18 Q. But the ones that you would approve or  
19 personally sign off on and approve for payment,  
20 did any not have deliverables?

21 A. Probably not.

22 Q. Well, you said, "probably." So, in  
23 what instances would you have approved for  
24 payment and not checked or known what the  
25 deliverable was?

1           A.       I mean, there are agreements where you  
2       may have someone on retainer.  You may pay them  
3       a certain amount of money every month.  And  
4       there may be a month where they don't perform  
5       any services, but you still keep them on  
6       retainer.

7           Q.       Now, you mentioned your belief that  
8       the Alliance for Affordable Energy and other  
9       groups were engaged in misinformation and  
10      disinformation campaigns.  Is that a fair  
11      statement?

12          A.       I wouldn't say it was a belief.  I  
13      said if you go and read some of the Advocate and  
14      Nola.com articles, you can see misinformation  
15      that's contained in the articles.

16          Q.       What particular misinformation?

17          A.       They said that subsidence in New  
18      Orleans East was due to the operation of the  
19      Michoud plant.  They said that the operation of  
20      the Michoud plant had been responsible for  
21      people having cancer in the area.  They said  
22      that the operation of the Michoud plant released  
23      toxins into the air that were outside EPA  
24      limits.

25                    They said that we were pumping

1 groundwater out of the area, and as a result of  
2 that, it was causing subsidence, when in reality  
3 the studies actually showed that the aquifer  
4 from which the groundwater was being taken was  
5 actually at a higher level than when the plant  
6 started operating. Those are just some of the  
7 things that they were not putting out accurate  
8 information on.

9 Q. And you know it was inaccurate because  
10 you reviewed the technical data provided to you  
11 by engineers at Entergy, correct?

12 A. I had read some of it, and I had  
13 actually met with the experts.

14 Q. As part of that regulatory hearing,  
15 you presented -- or rather, the company  
16 presented experts refuting those claims,  
17 correct?

18 A. That's correct.

19 Q. And the Alliance and the intervener  
20 put on experts that it claims substantiated  
21 those claims, correct?

22 A. I don't remember every witness. I do  
23 not recall there being a witness presented at  
24 the evidentiary hearing which discussed many of  
25 the technical -- or refuted the technical

1 information that we presented.

2 Q. So, Entergy was able to present  
3 accurate, technical information throughout this  
4 process, correct?

5 BY MR. CAHN:

6 Present to who?

7 BY MR. IBERT:

8 To the City Council.

9 BY THE WITNESS:

10 Presented information based  
11 upon science that was subject to or  
12 could be peer reviewed by other  
13 scientists, if they wanted to take a  
14 look at it and review it.

15 EXAMINATION BY MR. IBERT:

16 Q. Was it accurate?

17 A. Yes, it was accurate.

18 Q. Mr. Coman asked you about Mr. Faust  
19 speaking at a particular hearing. Do you recall  
20 those questions from Mr. Coman?

21 A. Sure.

22 Q. And you stated that you did not  
23 believe Mr. Faust and chose to disregard him,  
24 correct?

25 A. I believe what I stated is Mr. Faust

1 showed up at a number of meetings. In those  
2 meetings, Mr. Faust appeared somewhat erratic  
3 and was not necessarily accurate in the  
4 information that he was putting out. That's  
5 paraphrasing what I said.

6 Q. He was accurate in his statement that  
7 people were paid to attend meetings on behalf of  
8 Entergy, correct?

9 A. That was revealed to me subsequently,  
10 yes.

11 Q. On October 16th of 2017, you had  
12 communications with Ms. Pollard. I believe  
13 that's the text messages about the effectiveness  
14 of the turnout. How had you -- Did you  
15 determine that that turnout was grassroots  
16 support?

17 A. We retained the Hawthorn Group to  
18 conduct a grassroots effort. I mean, I don't  
19 know if I could answer it any different than  
20 that. We retained them to identify grassroots  
21 supporters, and that's what we expected that  
22 they would do.

23 Q. And you mentioned at the very  
24 beginning of today that you had first seen  
25 Mr. Ashford give a presentation?

1 A. Uh-huh (AFFIRMATIVE RESPONSE). Yes.

2 Q. Where was that?

3 A. My recollection was Mr. Ashford had  
4 done a presentation on the national political  
5 landscape in the country at an Entergy meeting.  
6 I can't recall which meeting it was, but that  
7 was my recollection of him. And it could have  
8 been on the presidential race.

9 BY MR. IBERT:

10 Thank you, Mr. Rice.

11 EXAMINATION BY MR. LAWRENCE:

12 Q. Mr. Rice, first thank you for your  
13 service. I did not know that you were former  
14 military.

15 A. Thank you.

16 Q. I knew that you were from here and  
17 very much of this community, politically active  
18 in the community. That's accurate; am I  
19 correct?

20 A. I would say I was active in the  
21 community.

22 Q. You worked with the City at some point  
23 in time; am I right?

24 A. Yean, I did. But I didn't -- Let me  
25 say this. I didn't work on Ray Nagin's campaign

1 before I went to work for him. So, politically  
2 active, do I know people in politics? Oh, yeah,  
3 I do. Do I associate with people in politics?  
4 Yes. Do people ask me for their support when  
5 they're running for office? Yes.

6 Q. Now, you're familiar with New Orleans  
7 East; am I correct?

8 A. Yes, sir.

9 Q. Did you ever live in that area?

10 A. No, I didn't.

11 Q. You're familiar with the area around  
12 your plant; am I right?

13 A. Yes, sir.

14 Q. And you mentioned the fact that you  
15 conducted surveys. How many surveys did you say  
16 you conducted?

17 A. Two, maybe three.

18 Q. Two to three surveys?

19 A. Uh-huh (AFFIRMATIVE RESPONSE).

20 Q. Is that citywide?

21 A. Two were citywide. I think one was  
22 New Orleans East. And I may have done -- Yeah,  
23 for this plant, it was probably two or three.  
24 Yeah.

25 Q. And during your tenure at Entergy, say

1 from '09 forward, how many surveys do you think  
2 you conducted?

3 A. Probably at least one yearly to see  
4 how customers were feeling about the company.

5 Q. You were interested in the support for  
6 this particular project; am I right?

7 A. Yes.

8 Q. Everything was not in support for the  
9 project. You wanted community support. How  
10 much support did you seek in the area around the  
11 plant?

12 A. Oh, a lot. Mr. Dunn spent a lot of  
13 time in that area. I did several meetings in  
14 that area myself. So, yeah, we were actively  
15 seeking support of the citizens of that area.

16 Q. And when I mentioned -- Let me come up  
17 with a specific area. Say east of Michoud or  
18 east of Bullard and south of the interstate, are  
19 you familiar with that area?

20 A. I'm not quite sure what area you're  
21 talking about, but go ahead.

22 Q. Do you know where the interstate is?

23 A. Yeah.

24 Q. Right. And the interstate moving  
25 towards the river, moving towards St. Bernard?

1 A. Yeah.

2 Q. And when I say, "east of Bullard," you  
3 know where Bullard is?

4 A. Uh-huh (AFFIRMATIVE RESPONSE).

5 Q. Bullard moving towards the Rigolets.

6 A. Okay.

7 Q. Towards St. Bernard. You can picture  
8 that area?

9 A. (WITNESS NODDED HEAD AFFIRMATIVELY).

10 Q. And you are familiar with the people  
11 who, in fact, inhabit that area?

12 A. I have employees that live in that  
13 area, or I had employees that lived in that  
14 area. I have friends that live in that area.

15 Q. You identified supporters for the  
16 plant, and you identified opponents to the  
17 plant; am I correct?

18 A. I don't know if we necessarily  
19 identified opponents. But as we would do  
20 community meetings, there were individuals who  
21 would stand up and say they didn't support the  
22 project.

23 Q. You were actively seeking supporters  
24 for the plant; am I right?

25 A. Oh, definitely.

1 Q. And you identified people who were  
2 supporting the effort for the plant?

3 A. Yeah. We would ask people if we went  
4 to a community meeting, if we had a community  
5 meeting, and people were willing to sign a  
6 support card. We asked them to sign a support  
7 card. We also had a website which allowed  
8 people -- We would encourage people after the  
9 meeting to go to the website. And I don't know  
10 if "sign" is the right word, but you could  
11 autogenerate a letter that would go to their  
12 council person.

13 Q. You described Entergy as being a  
14 Fortune 500 company having resources and  
15 abilities earlier, did you not?

16 A. I didn't say we had resources and  
17 ability. I said we were a Fortune 500 company.

18 Q. And you described the fact that --  
19 Well, you mentioned the fact that, of course,  
20 you were going to see -- being a Fortune 500  
21 company, you did a certain amount of research?

22 A. I did a lot of research.

23 Q. You did a lot of research. Did you  
24 identify opponents to the plant?

25 A. I will say it again. As we did a

1 number of community meetings around the area, to  
2 include New Orleans East, there are people that  
3 would stand up and speak and say they were  
4 against the plant. And often times I would have  
5 -- Sometimes after the meetings I'd actually  
6 have a private conversation with those  
7 individuals to find out exactly what their  
8 issues were.

9           And sometimes Mr. Dunn, or it might be  
10 Ms. Green, or it might have been Ms. Mercadel,  
11 might have had a conversation with a person even  
12 after I had a conversation with the person to  
13 see if we could assuage their concerns.

14           Were we out there specifically saying,  
15 "Oh, we're going to look into this community and  
16 we're going to find Mr. Smith who is against the  
17 plant"? No, we weren't doing anything like  
18 that.

19           Q.     So, nowhere within your organization  
20 was there a list of individuals who opposed this  
21 particular plant?

22           A.     I don't think we ever generated a list  
23 that said that this one, this one, this one, and  
24 this one are against the plant, not at my  
25 direction. I don't know if somebody else may

1 have done it. But I can tell you, at my  
2 direction, no one ever put together a list that  
3 said that this one is for, this one is against,  
4 not at my direction.

5 Now, that doesn't mean that we were at  
6 a meeting and somebody on my team may have been  
7 writing down who spoke, and may have written who  
8 was for and who was against. That possibly  
9 could have happened, but that wasn't done at my  
10 direction.

11 Q. At any point in time, did you come to  
12 put together a list of people whom you thought  
13 needed to be lobbied to see if you could gain  
14 support for the plant?

15 A. I mean, there were meetings where we  
16 discussed organizations that we would want to  
17 seek their support and who were the leaders of  
18 those organizations, who was the leader of a  
19 neighborhood group.

20 But, I mean, yeah, we had a list of  
21 neighborhoods throughout the city that we wanted  
22 to contact people and see if we could go in, and  
23 they would allow me or somebody from my team to  
24 speak about the plant.

25 And then, you know, if there were

1 people against it, again, you know, we would --  
2 on occasion, I'm sure we would go speak with  
3 those people to see if we can assuage their  
4 concerns.

5 Q. Has any of that information ever been  
6 memorialized?

7 A. Somebody may have written a list. I  
8 don't know. But it would have been -- It wasn't  
9 at my direction.

10 Q. So, at the point in time that you-all  
11 sat together and figured out who to go out and  
12 talk to, everybody knew, or did you refer to  
13 former meetings of people that had been  
14 identified or things that had been said?

15 A. Yeah. You know, we have a list of the  
16 neighborhood associations in the city.

17 Q. Uh-huh (AFFIRMATIVE RESPONSE).

18 A. And we try to know who the president  
19 is of those neighborhood associations. If there  
20 were people that we considered a leader in the  
21 community for whatever reason -- For example,  
22 the pastor of Greater St. Stephen's Church would  
23 be considered a community leader, but we never  
24 sat down with him.

25 The pastor of Franklin Avenue Baptist

1 Church would be considered a community leader.  
2 We didn't sit down with him. The leaders of --  
3 I think it's called "New Orleans East Business  
4 Alliance" or "Business Group." I personally met  
5 with three of their board members to answer  
6 questions that they may have had about the  
7 plant.

8 But no, we weren't sitting there  
9 picking off a list saying, "Talk to Ms. Jones."  
10 I mean, some of the people who we ended up  
11 having to come speak at the meeting were people  
12 who showed up at community meetings that we were  
13 having throughout the city and said they  
14 supported the project.

15 Q. You have a list of community partners.  
16 Is that the right way to -- Is that how you  
17 describe them?

18 A. I mean, if you're asking me do we have  
19 a list of organizations that we are supporting,  
20 sure, yeah, we have a list.

21 Q. And these are some of the people that  
22 you asked to come and show up and speak at the  
23 council meeting; am I correct?

24 A. And some did and some didn't.

25 Q. Some did, some didn't. But you did

1 ask them to come out?

2 A. I didn't personally ask them. There  
3 may have been one or two people that I had a  
4 personal relationship with that I may have asked  
5 to consider coming.

6 Q. You are -- were the CEO of this  
7 organization, correct?

8 A. I was the President and CEO of Entergy  
9 New Orleans.

10 Q. And you had people who worked for you?

11 A. Yes.

12 Q. And you had people who worked for you  
13 or designated to do different things for you,  
14 correct?

15 A. Yes, sir.

16 Q. You had people who, in fact, went to  
17 the council where the council members were, in  
18 fact, elected to speak to them to educate them  
19 as to Entergy and what Entergy did for the city;  
20 am I correct?

21 A. Yep.

22 Q. You had people who reached out into  
23 the community to these community partners, to  
24 the business groups, to people around the city;  
25 am I correct?

1           A.     And sometimes I was the person doing  
2     that.

3           Q.     And you-all spent a substantial amount  
4     of money helping the city; am I correct?

5           A.     Do we contribute to organizations in  
6     the city of New Orleans? Yes, we do. We  
7     contribute to organizations that help to  
8     eradicate profiting. We contribute to  
9     organizations that help to better the education  
10    system in this city, yes. We contribute to  
11    organizations that help improve the environment  
12    around the city. We contribute to organizations  
13    that help with Head Start.

14          Q.     I've seen the list. It's a  
15    substantial list, and it's impressive. And  
16    these are some of the people that you reached  
17    out to get them -- to ask them to come and  
18    support this effort, correct?

19          A.     Sure.

20          Q.     In that area that I described, east of  
21    Bullard, south of the interstate, did you-all  
22    spend a lot of money in that area or any money  
23    in that area?

24          A.     I don't know what you consider a lot  
25    of money. Are there groups that we supported in

1 that area?

2 Q. Yes.

3 A. Of course we did.

4 Q. And I understand that you-all reached  
5 out to many, many businesses, business people  
6 who you thought might be interested in  
7 supporting the plant; am I correct?

8 A. Yes, sir.

9 Q. How many did you reach out to in that  
10 particular area?

11 A. I can't give you a number.

12 Q. Can you give me any?

13 A. Huh?

14 Q. Can you give me any?

15 A. Any what?

16 Q. Any business you reached out to in  
17 that area.

18 A. Like I said, I personally -- I did a  
19 presentation to the Black Chamber of New Orleans  
20 East. I did a presentation to -- I think I did  
21 maybe three community meetings. I did a  
22 presentation to -- what's the community group  
23 out there -- ENONAC. I did one to two or three  
24 other homeowner associations out there. I spoke  
25 with the New Orleans East Business Owners

1 Association. And I may be getting the name  
2 wrong.

3 I specifically recall sitting down  
4 with Troy Henry. He lives out there. I think I  
5 even briefed Alden McDonald. His bank is  
6 headquartered out there.

7 Q. So, Mr. McDonald and Mr. Henry live  
8 east of Bullard and south of the interstate?

9 A. I mean, I don't know exactly. I think  
10 Mr. McDonald lives on Park Island, but his  
11 business is headquartered in New Orleans East.  
12 And I think Troy lives in New Orleans East. I'm  
13 not quite sure where.

14 I went to the pastor of Mary Queen of  
15 Vietnam Church, had a one-on-one meeting with  
16 him.

17 Q. Was he a supporter?

18 A. I would say no.

19 Q. No? And the bus --

20 A. And actually, we even did a meeting.  
21 I can't remember if it was at the church. I  
22 recall at least one, maybe two meetings just  
23 with the Vietnamese community.

24 Q. And were they in favor of your  
25 installation?

1           A.       There were some people in there that  
2 was supporters, and there were some people that  
3 were not.

4           Q.       You identified some supporters?

5           A.       I'm sure my team did.

6           Q.       Was there an effort to reach out to  
7 the supporters by your team?

8           A.       I'm sure we reached out to people.

9           Q.       Who would have reached out?

10          A.       Probably Mr. Dunn and Ms. Mercadel.

11          Q.       This busload that was coming in from  
12 New Orleans East, it was full of Vietnamese  
13 people, right?

14          A.       I didn't see the bus, so any statement  
15 I would make would be based upon hearsay. But  
16 that's what I was told.

17          Q.       That's what you were told. And those  
18 people sitting outside the chambers chanting,  
19 were many of them Vietnamese?

20          A.       Some were African-American. Some were  
21 Vietnamese. I would say probably the majority  
22 of them chanting were probably African-American.

23          Q.       And you can't -- Can you name any of  
24 the business owners in that area who support  
25 your plant?

1 A. In New Orleans East?

2 Q. Yes.

3 A. You're trying to pin me down. I  
4 apologize. I'm not intimately familiar with the  
5 geography which you've laid out. But I do know  
6 that there was a owner of a business right on  
7 the same road with the Michoud plant that was  
8 supportive. It was an African-American  
9 gentleman whose name escapes me at this time. I  
10 apologize. I can't remember.

11 Q. The area immediately around your  
12 plant, this area that I'm talking about, I'm not  
13 trying to confuse you. I'm talking about down  
14 Chef Highway, down Michoud Boulevard, Alcee  
15 Fortier. I mean, there's a substantial  
16 population there; am I correct?

17 A. I would disagree with your statement.  
18 I think if you actually look at an aerial view  
19 of the plant, I think the closest house may have  
20 been almost two miles away.

21 Q. Two miles away? Your plant is on  
22 Michoud Boulevard --

23 A. Right.

24 Q. -- right next to the old green bridge  
25 there, isn't it?

1 A. The bridge going to Chalmette?

2 Q. Uh-huh (AFFIRMATIVE RESPONSE).

3 A. Yeah. Yeah. If you go across that  
4 bridge, I think if you look to the left, you can  
5 see the plant.

6 Q. If you go by land, right? Past that,  
7 you've got to go by sea, launch you a boat, and  
8 get to the Hotwater Canal, and you're there?

9 A. Uh-huh (AFFIRMATIVE RESPONSE).

10 Q. I mean, there's some population around  
11 it? It's just not heavily populated, right?

12 A. I would say there are probably people  
13 in St. Bernard Parish that are closer to the  
14 plant than people in New Orleans East.

15 Q. But when it comes to the people in New  
16 Orleans East and Orleans Parish, all right,  
17 which is -- who are most of the people that  
18 we're talking about right now, I mean, were you  
19 lobbying people in St. Bernard to come in and  
20 speak in support of the plant?

21 A. No.

22 Q. But you were lobbying people in  
23 Orleans Parish to come speak in support of the  
24 plant?

25 A. We were engaging and reaching out to

1 the community. Yes.

2 Q. And the nearest of those who are, in  
3 fact, in proximity to the plant would be in the  
4 area that I'm describing, would they not?

5 A. Mr. Lawrence, I don't want to say yes  
6 or no because -- I apologize. I know you gave  
7 me the geography. I'm familiar with the area,  
8 but I'm not that intimately familiar with the  
9 area.

10 Q. And you're not that intimately  
11 familiar with the people in the area?

12 A. I would beg to differ. I have friends  
13 that live in the Rigolets. I mean, not the  
14 Rigolets. Venetian Isles. I have friends that  
15 live in Eastover. I have employees that live  
16 where the tornado hit, which was not that far  
17 from the plant. I know people that work at the  
18 NASA Michoud facility.

19 Q. You were personally involved in  
20 40-plus meetings; am I correct?

21 A. Roughly.

22 Q. And basically, you were personally  
23 involved in working up and getting people to  
24 come and support this effort; am I right?

25 A. Yeah. I was involved in the effort to

1 get people to come out and support it.

2 Q. And I'm asking basically about the  
3 people in the immediate proximity of the plant.  
4 Did you know anything about them and how many of  
5 them you got to support it?

6 A. Huh?

7 Q. How many of those people in the  
8 immediate proximity of the plant did you get to  
9 support you?

10 A. Mr. Lawrence, I can't tell you.

11 BY MR. CAHN:

12 Mr. Lawrence, he's answered  
13 these questions. I don't know what  
14 this has to do with the allegations  
15 about Hawthorn's work.

16 You know, I understand that  
17 there are issues in New Orleans East,  
18 but this has nothing to do with  
19 whether or not Entergy or Mr. Rice  
20 knew that Hawthorn had hired Crowds on  
21 Demand without its authorization and  
22 Crowds on Demand paid people to attend  
23 two meetings. So, I'm just going to  
24 --

25 BY MR. LAWRENCE:

1                   I'm asking a question. I mean,  
2                   basically, I'm asking him about the  
3                   people trying to bring in support.  
4                   The people -- I'm asking -- I'm trying  
5                   to get to whether or not any of those  
6                   people were, in fact, contacted by  
7                   him, by Hawthorn, by anybody  
8                   associated with Entergy.

9                   BY MR. CAHN:

10                   Well, if you want to ask him if  
11                   he knows that, I think he can answer  
12                   that. But I don't think -- I mean,  
13                   this -- you know, who he knows in  
14                   Orleans East is not relevant to the  
15                   issue that we're here today to talk  
16                   about.

17                   BY MR. LAWRENCE:

18                   That's your opinion.

19                   EXAMINATION BY MR. LAWRENCE:

20                   Q.     Mr. Rice, do you know if Hawthorn was  
21                   reaching out to any of the people in that area?

22                   A.     I have no idea.

23                   Q.     You mentioned VAYLA?

24                   A.     Huh?

25                   Q.     You mentioned VAYLA?

1 A. VAYLA. I think it's V-A-Y-L-A.

2 Q. Yes. Do you know where they're  
3 located?

4 A. I don't know where their exact office  
5 is.

6 Q. And the comments around this being  
7 war, all right, you mentioned the need for foot  
8 soldiers; am I correct?

9 A. Yes, sir.

10 Q. And with your military background,  
11 it's fair to say that you would understand that  
12 soldiers have to be paid?

13 A. Are you asking me was I paid when I  
14 was in the military?

15 Q. Yeah.

16 A. Are you asking me that the United  
17 States Government pays its soldier that serve  
18 this country every day?

19 Q. Yes.

20 A. Yeah, the United States Government  
21 paid us.

22 Q. Do you know any soldiers who are not  
23 paid?

24 A. That are members of the United States  
25 military, be it Coast Guard, Army, Navy, Air

1 Force, Marines, including the Merchant Marines,  
2 I don't know of anyone that hasn't been paid or  
3 don't get paid.

4 Q. Did you anticipate your soldiers being  
5 paid?

6 A. No.

7 Q. Why not?

8 A. Because that's not what we do, and  
9 that's not something that we were in the  
10 business of doing. That's not something that we  
11 anticipated.

12 Q. You expressed the need to have  
13 soldiers; am I correct?

14 A. Well, I think that's used in a generic  
15 sense. I mean, when people engage in political  
16 campaigns, they talk about having soldiers. I  
17 mean, "soldiers" is used in a lot of different  
18 ways and a lot of different terms.

19 Q. You spoke of soldiers to your people  
20 who were ordering people from Hawthorn, did you  
21 not?

22 A. I beg to differ on your terminology.  
23 What did you just say?

24 Q. It's not my terminology. It was  
25 yours.

1           A.     No, that was your terminology because  
2 I didn't use the word that you used.

3           Q.     You didn't mention soldiers?

4           A.     Huh?

5           Q.     You didn't mention soldiers?

6           A.     I'm not talking about your use of the  
7 word "soldiers." It was a term you used.

8                   BY MR. CAHN:

9                           He did not use the term  
10                           "ordering people from Hawthorn."

11                   BY THE WITNESS:

12                           That was it. I never said  
13                           those words.

14                   EXAMINATION BY MR. LAWRENCE:

15           Q.     You authorized and you signed off on  
16 money going to Hawthorn; am I correct?

17           A.     I approved the contract, yes.

18           Q.     And you approved an increase in the  
19 contract for a certain amount of money,  
20 depending upon the number of people they were  
21 going to provide?

22           A.     No. I approved the change order. I  
23 will say it again. If there would have been one  
24 person that showed up or 300 people that showed  
25 up, Hawthorn would have been paid the same

1 amount of money.

2 BY MR. LAWRENCE:

3 I'm done.

4 EXAMINATION BY JUDGE JOHNSON:

5 Q. Mr. Rice, I'm going to try my best not  
6 to make this long story longer. That's my goal.  
7 And I very truly -- And I said this to Cory  
8 outside. I have no intention of beating up on  
9 you.

10 A. I appreciate that.

11 Q. That's not my intent.

12 A. I've been around a while. I've been  
13 beat up before in a number of different  
14 environments.

15 Q. I feel you, my brother. I do. I do.  
16 One of the things, though -- And I am  
17 really impressed with the people who work for  
18 Entergy, the people who we have had here and we  
19 have interviewed. I mean, to a person, I'm  
20 impressed with them. I'm impressed with their  
21 dedication, with their knowledge, with their  
22 belief in Entergy and truly in the values of  
23 Entergy. And to a person, I would think, they  
24 all have shared, and I'm impressed with that.

25 You are 101st --

1 A. Yes, sir.

2 Q. -- Airborne?

3 A. Yes.

4 Q. I shared with the folks here, and I'll  
5 share with you. I wasn't brave enough, I  
6 wasn't. Air Force. Air Force. I had a  
7 commission in the Army, and I turned it down. I  
8 just wasn't brave enough. Now, I'm older than  
9 you.

10 A. If I had to do it again, I would  
11 probably go in the Air Force.

12 Q. Well, I was there in the middle of the  
13 war, and so that was part of my decision to turn  
14 it down.

15 A. I hear you. I totally understand. My  
16 dad served in the Army also. He actually served  
17 in Vietnam and is now a disabled vet as a result  
18 of it.

19 Q. I had a few hours in Saigon. When we  
20 were getting out of Saigon -- I had a few hours  
21 there. Yeah, but I wasn't brave enough for  
22 that.

23 We've had a lot of conversation here  
24 about a lot of things. One of those things,  
25 from my perspective, has been Entergy's ability

1 to preserve information. And one of the things  
2 I've heard is that some things happen  
3 automatically with Entergy in preserving  
4 information.

5 That is, is that e-mails are  
6 automatically destroyed. That may be the wrong  
7 word. Or they're only kept on your server or  
8 servers for a period of time, and then they  
9 automatically are -- I'm going to use "erased."  
10 That may not be the right word, but they're no  
11 longer there.

12 A. I think they roll off the system.

13 Q. But then there are also historical  
14 documents. This is what I was told. Well, I'll  
15 put it differently. Entergy has a -- not only  
16 the ability to, but the necessity to preserve  
17 historical documents?

18 A. For example, regulatory filings, sure.

19 Q. Because that would probably be as  
20 regards other kinds of bodies that look across  
21 Entergy in terms of Entergy's compliance with  
22 other bodies, with, like you just said,  
23 regulatory bodies?

24 A. I have no reason -- Yeah, that's  
25 probably accurate.

1 Q. I would also think -- And you can  
2 correct me too if I'm wrong. But in terms of an  
3 entity like Entergy, you as an entity, you want  
4 to preserve your own history. You want to be  
5 able to look backwards at this corporation in  
6 terms of its corporate history. And to do so,  
7 you preserve certain information. Would that be  
8 accurate?

9 A. That's probably accurate.

10 Q. And a thing like NOPS, because of the  
11 nature of NOPS and the size of this thing now,  
12 would be something that you would want to  
13 preserve information around, historical  
14 documents, again, for the history of Entergy?

15 A. I am sure there are certain things  
16 that we did retain.

17 Q. My whole point here is that I have a  
18 difficulty. And I'm not accusing -- This is not  
19 accusatorial, but a difficulty believing that  
20 all of the information that surrounds NOPS is  
21 not available for whatever the reason, but is  
22 not available. That's a difficulty I have.

23 A. I mean, I don't -- I wasn't  
24 participating. I didn't participate in the  
25 document production from the aspect of combing

1 the documents. We have 14,000 employees.

2 Q. That's an interesting point.

3 Sometimes I compare stuff that's not necessarily  
4 comparable. I ran an entity, but the entity I  
5 ran only had around 220 staff, but it was a  
6 state entity. And as a result, I preserved  
7 information because it was a state entity and I  
8 had to.

9 You made a reference, though, to the  
10 fact that you received on a daily basis hundreds  
11 of e-mails?

12 A. Sure.

13 Q. When I ran this entity, I had  
14 assistance. I had people who worked around and  
15 for me, including people who made sure that I  
16 wasn't missing information like e-mails. Now,  
17 this was a decade ago, I guess, a little less  
18 than that. But I was not missing information.  
19 So, they made sure that even if I didn't open  
20 the e-mail that was important, someone else  
21 would. Did you have a person like that?

22 A. I mean, I had an assistant. But I  
23 think if y'all interviewed Ms. Raymond, she  
24 probably told y'all that I like to read my own  
25 e-mails.

1 Q. Well, I hear that.

2 A. And on top -- Hold on. And on top of  
3 that, I returned all my own phone calls. So, if  
4 a customer called with a issue, it was important  
5 enough for them to call me, then I wanted to  
6 call them back. If a customer sent an e-mail  
7 and they took time out of their day and it was  
8 important enough for them to send me an e-mail,  
9 I wanted to respond. So, I read -- I probably  
10 read all my e-mails.

11 Now, there may be some that come in  
12 here that I knew were junk that I may not have  
13 given but a cursory review. But yeah,  
14 Ms. Raymond, you know, if there was something  
15 that she thought I may have missed, she would  
16 tell me.

17 Q. There was a Kim? I'm missing a name.  
18 Maybe Kim Raymond or Kim --

19 A. Yeah. So, Kim Mitchell was my --

20 Q. Kim Mitchell.

21 A. -- assistant at one point.

22 Q. And then she left?

23 A. She got promoted.

24 Q. She got promoted.

25 A. And still worked for Entergy New

1 Orleans. And then Karen took over.

2 Q. Yes. And she took over months or so  
3 ago?

4 A. I don't know if it was months. It was  
5 probably a year. It might have been a year.

6 Q. Maybe a year.

7 A. Maybe a little more or a little less.

8 Q. You had -- When you were actually  
9 president and CEO, you had those direct reports.  
10 Who all was a direct report to you?

11 A. So, that would be Tara, Kim, Gary,  
12 Toni. And it changed in some respects. At one  
13 point, Brian Washington as well as Sandra  
14 Hickman. I talked about Gary, Seth Cureington.  
15 Although, you know, they weren't technically a  
16 part of the organization, they did work for me  
17 because we operate in a matrix environment.

18 That would have included Yolanda and  
19 Orlando Tyler as well as Dennis Dawsey, Melonie  
20 Stewart, and Tad Patella, oh, and as well as the  
21 gas operations, which would have been Michelle  
22 Bourg.

23 Q. I do strange things sometimes,  
24 Charles. Mr. Rice, I do strange things. This  
25 is my own strangeness. I read strange stuff. I

1 read the Art of War. Did you ever read the Art  
2 of War?

3 A. I didn't finish it. I bought it, but  
4 I didn't finish it.

5 Q. Interesting book in terms of  
6 explaining tactics and stuff. I also in terms  
7 of this looked at entergy.com's website. Are  
8 you familiar with entergy.com's website?

9 A. Sure. Yeah.

10 Q. It has an area there that is shared  
11 values and ethics. It says, "Values & Ethics,"  
12 for instance. I'm going to read you some of  
13 what it says. This is Values & Ethics. This is  
14 from the website. "At Entergy, we are committed  
15 to a system of shared values to guide  
16 interactions of our owners, customers,  
17 employees, and communities.

18 "These values are: Create and sustain  
19 a safe and healthy life. Cultivate a diverse  
20 and inclusive work culture. Possess a winning  
21 spirit. Focus on our customers. Grow the  
22 business. Be active team players. Treat people  
23 with respect. Aggressively look for better  
24 ways. Take actions to achieve results."

25 A. Above all, act --

1 Q. "Above all, act with integrity."

2 Say it.

3 A. To act with integrity.

4 Q. Say it all. "Above all" --

5 A. Act with integrity.

6 Q. "Above all, act with integrity."

7 That's the last thing.

8 A. Uh-huh (AFFIRMATIVE RESPONSE).

9 Q. Your CEO, I'm going to mispronounce  
10 his name, but I always do, Leo Denault.

11 A. Denault.

12 Q. Is that a correct pronunciation?

13 A. Denault.

14 Q. I'm reading him. He said, "Our  
15 commitment to integrity, to community service,  
16 to ethics beyond compliance and doing the right  
17 thing, even if it is hard or uncomfortable, will  
18 never change." Do you agree with that?

19 A. I agree.

20 Q. Would it be fair then to say, Charles  
21 -- I'm sorry. Mr. Rice, would it be fair to  
22 say --

23 A. You can call me Charles.

24 Q. And you can call me Calvin. On  
25 October 16, 2017, did ENO conduct itself in a

1 fair and honest fashion? Can you say that?

2 A. I would tell you that the employees of  
3 Entergy New Orleans conducted themselves in a  
4 fair and honest fashion. We had a contractor  
5 that acted outside of the values that we  
6 typically hold. And I can tell you this. If  
7 there was anyone on my team or myself who was  
8 aware of that, I assure you, I would have  
9 resigned before I got fired. I would have got  
10 fired. But before I even got fired, I would  
11 have resigned.

12 Q. I believe that.

13 A. And I can tell you, any one of my  
14 employees probably would have done the same  
15 thing because we know the actions that that  
16 group took would have been an offense that was  
17 against the values of the company and would have  
18 resulted in someone being terminated.

19 Q. So, Charles, would it be fair to say  
20 that on October 16, 2017, when people were paid  
21 by ENO to sit in the council chambers and paid  
22 to speak, ENO's fundamental commitment to  
23 integrity and ethics changed?

24 A. First of all, people were not paid by  
25 Entergy New Orleans. It's my understanding

1 people were paid by Crowds on Demand. And I go  
2 back to my same point. Neither I nor anybody on  
3 my team was aware that anyone was being paid to  
4 appear on behalf of Entergy New Orleans.

5 And I will say it again. If I had  
6 authorized that or anyone on my team had  
7 authorized that, I would not be working for this  
8 company at this particular time. Now, going a  
9 step further and say I would have resigned  
10 because I know I would have been terminated.

11 Q. And the money that Crowds on Demand  
12 used came from Hawthorn, correct?

13 A. As best -- We didn't have a direct  
14 relationship with them, so it would have had to  
15 come from Hawthorn.

16 Q. And the money that Hawthorn used came  
17 from ENO?

18 A. We paid Hawthorn. Yes.

19 Q. Your CEO says -- and I'm quoting again  
20 -- "It is a culture of integrity where our  
21 employees are trusted to take the right actions,  
22 even when there are no rules." You agree with  
23 that?

24 A. Yeah. Let me go back one part. So,  
25 you were a military officer?

1 Q. No, I wasn't. I was -- I couldn't go  
2 in the Air Force as an officer because I turned  
3 down the commission.

4 A. Well, as a officer in the United  
5 States Army, which I became at the age of 21,  
6 you have two things. You actually have two  
7 things in life, your integrity and your word.  
8 And that's the environment that I was brought up  
9 in, and that is what my parents taught me.

10 So, again, acting with integrity is  
11 extremely important. It's the same thing that I  
12 teach my kids. So, I'll say it one more time.  
13 If I or anyone on my team had acted in  
14 compromising integrity, I wouldn't be sitting  
15 here today, nor would they still be employed by  
16 the company.

17 So, for me as a person, integrity is  
18 foremost and utmost. And I think I shared with  
19 you about my son who is named after me. So, I  
20 don't want to disparage my name, let alone my  
21 father's name and put my son in a position where  
22 he would suffer because of my actions.

23 Q. On Wednesday, I mentioned this off the  
24 record. On Wednesday, at the end of our  
25 conversations with Ms. Pollard, I had a

1 meltdown. I got really upset. And one of the  
2 reasons I got upset is because of what you just  
3 said; that is, my integrity was questioned and I  
4 got very upset.

5           So, I can understand when you sit here  
6 right now and be upset because the overall-ness  
7 of this has been a question of your integrity.  
8 I can truly understand that. I really can.

9           When I said this thing just now about  
10 your CEO's comment and it ended with "even when  
11 there are no rules," the City Council doesn't  
12 have any rules that say you cannot pay people to  
13 come to a meeting and sit in their room; isn't  
14 that correct? There's no rule that says you  
15 can't; isn't that correct? Now, if it is, then  
16 you broke a rule that -- So, I take it there is  
17 no rule?

18           A. I am -- You know, Judge, I -- Yes, I  
19 did work in city government. I'm not intimately  
20 familiar with every single part of the New  
21 Orleans city code, but I would have to probably  
22 agree with your statement.

23           Q. Because honestly, I don't know for a  
24 fact that there are no rules that say that. But  
25 I assume there are no, in fact, rules that say

1 you cannot pay people to come to a counsel  
2 hearing and sit in the room. That's an  
3 assumption I make.

4 I also assume there are no City  
5 Council rules that say that you can't pay people  
6 to come to a microphone and speak. That's an  
7 assumption I make.

8 A. I'm not aware of any.

9 Q. All right. I'm not aware of any  
10 either.

11 One of the things I saw in your Values  
12 & Ethics was this statement. "Your code of  
13 ethics gives some guidance when there might be a  
14 risk of noncompliance with the code of ethics."  
15 Is that correct? See, that's the statement, I  
16 believe, in the code of ethics. It gives some  
17 guidance. It gives some guidance that there  
18 might be a risk of noncompliance. It gives  
19 guidance, Charles?

20 A. Yes, sir.

21 Q. And one of the things it implies or it  
22 even says is that there are actions you should  
23 take to be sure you are not out of compliance.  
24 There are actions. Investigate. Research. But  
25 there are actions you should take when you're

1 outside of -- when you might be noncompliant,  
2 might. That's your code of ethics, Charles; is  
3 that accurate?

4 A. I mean, I'm not familiar with it word  
5 for word. But if you're telling me you got that  
6 from my website and that's what it says, I'm not  
7 going to disagree with you.

8 Q. If I give Cory money to do something  
9 for me; and Cory gives money to Walter to do  
10 that thing that I gave money to Cory to do; and  
11 Walter takes the money and gives it to Judge  
12 Alarcon; and Judge Alarcon comes forward, is it  
13 conceivable, conceivable if I give money to  
14 Cory, Judge Alarcon will happen? Is that  
15 conceivable?

16 A. I'm not quite sure what you're asking  
17 me. If you're asking me will Judge Alarcon do  
18 whatever it was you asked Cory to do, if he  
19 asked him to do it, then depending on the  
20 Judge's ethics and constitution, he may do it.  
21 I mean, just because there is flexibility in  
22 rules, you also always have your own moral  
23 compass and your own ethics and integrity.

24 And that's something that I think most  
25 people that I work with strive to do, is to act

1 with integrity and to act within their moral  
2 compass.

3           And I think if you were to study --  
4 not to get on my soapbox here -- my career and  
5 what I've done throughout my life, I've always  
6 acted and done what I thought was the right  
7 thing. Now, you may not necessarily agree with  
8 it being the right thing. But I don't think  
9 I've ever been in a situation where --

10       Q.     Sometimes, Charles, you make mistakes.  
11 Sometimes that's just a part of doing. I make  
12 mistakes.

13       A.     People make mistakes every day.

14       Q.     All the time. That's just a part of  
15 doing.

16       A.     It's a part of life.

17       Q.     And in our profession, the legal  
18 profession, there's always that piece that talks  
19 about appearance, the appearance of impropriety.  
20 There's always that piece. And the thing that  
21 we as lawyers are supposed to avoid, utmostly  
22 avoid, is the appearance of impropriety, not  
23 necessarily the doing, but the appearance.  
24 Would you agree with that?

25       A.     I agree with that statement.

1 Q. More than one person who was in this  
2 room working for Entergy -- Let me back up for a  
3 second. You play golf, right?

4 A. Yes, sir.

5 Q. You like the game?

6 A. Love the game.

7 Q. I'm going to be honest with you. I  
8 play. I love golf courses. They're beautiful,  
9 beautiful places to be, unless the people who I  
10 go out with don't necessarily like for me to  
11 come because you know I don't necessarily like  
12 the game. I like to be drinking, and I like all  
13 of that.

14 But people who play, they don't  
15 necessarily play against each other. They play  
16 against themselves. This is what I hear from  
17 golfers. They're trying to better their play  
18 from another day on the same course. But this  
19 time I shot 100, now I want to do 95, that kind  
20 of thing. So, they're playing against  
21 themselves. Would that be an accurate statement  
22 about golf?

23 A. Depending on your perspective, it  
24 could be.

25 Q. Well, who do you -- when you play

1 golf, are you playing against yourself?

2 A. Depends on who I'm playing against.

3 Q. Well, some people you got money up on,  
4 and you want to beat them straight up.

5 A. It depends on who I'm playing with.

6 Q. I used to play with a little bat. And  
7 this is what irritated others. I would play  
8 with them. I would carry a little bat, and I  
9 would irritate. I'd hit the ball with the bat.  
10 That's the kind of guy I am.

11 Do you play tennis?

12 A. I actually grew up playing tennis.

13 Q. And tennis, you're playing directly  
14 against someone, correct?

15 A. Uh-huh (AFFIRMATIVE RESPONSE).

16 Q. I mean, you got somebody on the other  
17 side of the net you are playing against.

18 A. Yeah.

19 Q. And in tennis, you have this thing  
20 called "unforced error," right? What's an  
21 unforced error in tennis?

22 A. Depends on the sport. It could be --

23 Q. Well, in tennis, because they always  
24 use it in tennis. That was an unforced error.

25 I love tennis. I mean, I want to go to watch

1 the U.S. Open.

2 A. If somebody hits a good shot and you  
3 hit into the net, and that could be because you  
4 --

5 Q. That's not unforced error, right?

6 A. I don't know. You're going to have to  
7 explain to me what an unforced error is.

8 Q. Well, when you're doing that lob, and  
9 it's perfectly situated for you to go left or  
10 right or straight down the middle with it, but  
11 it's perfect. It's in the air. You're  
12 situated. It's perfectly there for you to do  
13 it, and it's going to be the winning shot and  
14 you hit it directly in the net. Some people  
15 call that "an unforced error." Would that be  
16 accurate to say?

17 A. I guess.

18 Q. Two people came here who worked for  
19 Entergy, and this same conversation, at least a  
20 lot of it we've had with you, we had with them.  
21 And separately, they both called what happened  
22 with Hawthorn, what happened with Crowds on  
23 Demand, what happened with this thing that went  
24 on from October 16th to March 8th, they  
25 described it as an unforced error. That's how

1 they described it. Would you agree with that?

2 A. I'm not sure what they meant by  
3 "unforced error." I mean, all I can tell you on  
4 that, Judge, is there's no way, shape, or form  
5 that I ever thought that Hawthorn retained  
6 Crowds on Demand, nor did I ever think or ever  
7 contemplated Hawthorn retaining Crowds on Demand  
8 and paying people to show up at that meeting.

9 That is not anything that I -- And I'm  
10 assuming no one on my team anticipated that  
11 could possibly be what they meant by an unforced  
12 error.

13 Q. Did you ever tell any of those direct  
14 reports you describe who directly reported to  
15 you, did you ever tell any one of them or  
16 Suzanne Hammelman or John Ashford not to take  
17 the money we are giving Hawthorn -- not to take  
18 a dollar of it and give it to anyone else to do  
19 anything? Did you ever say those words to  
20 anyone at Entergy or outside of Entergy at  
21 Hawthorn?

22 A. Well, I only had one direct  
23 conversation with Mr. Ashford where he made a  
24 presentation. I didn't have any direct  
25 conversations with Ms. Hammelman. Third, the

1 contract specifically states that they were not  
2 supposed to hire a subcontractor without our  
3 permission.

4           So, again, I wouldn't anticipate nor  
5 contemplate that they would go out and hire a  
6 third party to pay people to show up at the  
7 meeting. It's just something that never  
8 occurred to me, never occurred to me that it was  
9 a possibility, never occurred to me that it was  
10 even in the universe of possibilities.

11       Q.     So, the answer is no?

12       A.     Again, I never had a conversation with  
13 Ms. -- What's her last name?

14       Q.     Hammelman.

15       A.     Hammelman. I had one conversation  
16 where Mr. Ashford did his presentation. And  
17 nobody on my team -- Or there was never any  
18 meeting or never ever a discussion where any of  
19 us even thought or contemplated paying people to  
20 show up at a meeting. So, there was no need for  
21 me to have that conversation.

22       Q.     I'm going to do something that the  
23 people on this side the table are not going to  
24 appreciate. I talked to John Ashford, and I'm  
25 assuming they know that. Because this is how

1 Cal rolls. I assume there are no secrets. See,  
2 I assume that.

3 And I was impressed with him. He's my  
4 kind of guy. I saw him on the website, yeah, on  
5 the website. I didn't see him beyond that. But  
6 I assume he's large in stature. He's a country  
7 guy. He's like me. You know, he can tell a  
8 good story. He can do all that kind of stuff  
9 that country people like me do. And that's the  
10 guy I talked to on the phone.

11 And I looked at his -- And looking at  
12 the website and the description of him, which  
13 again, he's kind of described in that fashion,  
14 he's well educated, very well educated. But  
15 that's his take. That's how he goes. That's  
16 his personality. He is renowned in terms of  
17 business. If you Google John Ashford, he's  
18 renowned in terms of business.

19 And he grew up with another guy, Nat  
20 Reese. If you Google Nat Reese, I mean, these  
21 two guys are movers and shakers across  
22 corporations, across political entities, across  
23 entities like Entergy. John Ashford is a mover  
24 and a shaker. Would you agree with that?

25 A. I mean, I'm not that familiar with his

1 background. But if you said he's world  
2 renowned, that's --

3 Q. You know --

4 A. -- or nationally renowned, then I  
5 assume that to be the case, which is why I think  
6 it would be fair for somebody to assume that he  
7 would conduct himself appropriately, along with  
8 other members of his organization.

9 Q. One of the interesting things that  
10 have come out here is that what few, if anyone,  
11 at Entergy actually did what I just said.

12 A. What's that?

13 Q. Google John Ashford, Hawthorn. I  
14 mean, just do a little Google search. It's just  
15 so interesting in terms of the people we have  
16 talked to that that hasn't come out; that is, is  
17 that, well, we just out of caution, we looked up  
18 Hawthorn to see what they were about. I didn't  
19 talk to a person from Entergy who said they did  
20 that. Did you do that? I don't think -- The  
21 answer is no, because you actually already said  
22 no, you didn't.

23 A. I didn't. But he had done work for  
24 the company previously and apparently had done a  
25 good job.

1 Q. Did Hawthorn or any other entity  
2 similar did this kind of work for ENO before,  
3 specifically?

4 A. I had never hired Hawthorn.

5 Q. Well, no, not only just Hawthorn, but  
6 any entity similarly structured as Hawthorn do  
7 this kind of work?

8 A. To do community outreach?

9 Q. No. No. Get money from ENO to get  
10 people to come to a council meeting and to speak  
11 at a microphone, specifically, any entity ever.

12 A. Are you asking me if ENO ever paid  
13 people to show up at a meeting? Is that your  
14 question?

15 Q. I'm not -- No. I'm not saying --

16 A. I'm trying to understand your  
17 question.

18 Q. For purposes of this question, I'm not  
19 asking that.

20 A. Okay.

21 Q. For purposes of this question, I'm  
22 only asking, has Entergy ever in the past paid  
23 someone like Hawthorn to do what you paid  
24 Hawthorn to do?

25 A. To help get grassroots support?

1 Q. You paid Hawthorn. The menu that Matt  
2 went through, you paid Hawthorn to have people  
3 come and have people speak. I'm not saying in  
4 terms of this question that you paid the people  
5 to do anything. I'm saying you paid Hawthorn to  
6 do those things. That's a fact, isn't it?

7 A. No, it's not a fact. With all due  
8 respect --

9 Q. I give up. If that's not a fact, I've  
10 got to give up.

11 A. With all due respect, we retained  
12 Hawthorn to do grassroots outreach. We didn't  
13 pay Hawthorn or retain Hawthorn to pay people to  
14 show up at a meeting. That was not why Hawthorn  
15 was retained. Hawthorn was retained to identify  
16 people in the community that would be supportive  
17 of safe, reliable power, economic development,  
18 all the things that we were trying to do to  
19 better this community.

20 Q. I'm just going to leave it alone after  
21 this. But if I have a point -- And in life I  
22 have been pointless. If I have a point, my  
23 point is that what you gave a contract to  
24 Hawthorn to do, Entergy had never done that  
25 before. And if Entergy had ever done it before,

1 tell me when those instances or instance was.

2 A. Again, the contract was for grassroots  
3 support.

4 Q. Charles, the contract that you gave to  
5 Hawthorn --

6 A. It was to identify supporters.

7 Q. I don't care what it was. Have you  
8 ever done that before with any entity whatsoever  
9 other than Hawthorn ever, ENO ever doing  
10 anything like that before in the history of ENO?

11 A. I can't speak for the entire history  
12 of Entergy New Orleans --

13 Q. I hear you.

14 A. -- which has been around for almost --  
15 I guess since the turn of the century.

16 BY JUDGE JOHNSON:

17 I guess I have made this long  
18 story longer. I'm done. I'm done.

19 EXAMINATION BY MR. COMAN:

20 Q. I just have a couple of follow-ups.  
21 So, prior to the October 16, 2017 meeting, the  
22 orange T-shirt photograph, Mr. Rice, that we  
23 were discussing before, did you ever -- did you  
24 or anyone else with Entergy ever use the phrase  
25 "cascading outages"?

1           A.       Cascading outages? I mean, that was  
2 part of the testimony that was filed with regard  
3 to the need for the power plant to prevent  
4 cascading outages.

5           Q.       In fact, I think you referenced that a  
6 couple of times in your December testimony,  
7 cascading outages. Does that sound familiar?

8           A.       My testimony at the evidentiary  
9 hearing?

10          Q.       Yes, sir.

11          A.       I'm sure I said that.

12          Q.       And let me see -- Could I borrow your  
13 stash right quick?

14          A.       Sure.

15          Q.       Oh, and real quick, the meeting was on  
16 October 16, 2017. We've seen the e-mail traffic  
17 starting in kind of August of 2017 between  
18 Entergy and the Hawthorn Group. If I told you  
19 that the contract was not executed until  
20 Halloween, October 31st of last year, 2017,  
21 would you have any cause to disbelieve my  
22 assertion?

23          A.       If that's what the document says,  
24 that's what the document says.

25                   BY MR. COMAN:

1                   Let's take a five-minute break.

2                   (BREAK TAKEN)

3   EXAMINATION BY MR. COMAN:

4       Q.       Going back on the record, Exhibit 68,  
5   it looks like maybe the third page here,  
6   Mr. Wood, this individual, you testified earlier  
7   you don't know who he is, correct?

8       A.       I don't know who he is.

9       Q.       And this was a meeting that you  
10   attended and observed speakers, correct?

11      A.       I'm sure I was there.

12      Q.       He used the phrase "cascading  
13   outages." Did you notice that at the time when  
14   he said it?

15      A.       No. I may not even been in the room  
16   when he spoke.

17      Q.       And Mr. Hampton, who's from Marrero,  
18   you identified him earlier as somebody that you  
19   recognize from somewhere. He also used the  
20   phrase "cascading outages." Did you see that at  
21   the time it occurred?

22      A.       I have no recollection.

23      Q.       And do you agree or disagree with the  
24   following statement: "Astroturfing is a serious  
25   threat to public discourse"?

1           A.     I don't know what type of public  
2 discourse you're talking about.

3           Q.     Public debate.

4           A.     Let me say this. I would hope that no  
5 one on the City Council made their decision  
6 based upon how many people showed up at that  
7 meeting on one side or the other. I would hope  
8 that any politician, when he has to make a  
9 decision, is basing that decision on whatever  
10 evidence that's presented to them and based upon  
11 what he or she feels is the right thing to do  
12 for their constituents.

13                   I don't know who made that statement  
14 about astroturfing. I don't want to get into a  
15 debate because I'm not a political science  
16 professor, nor am I an expert in what  
17 constitutes appropriate public discourse.

18                   But I will just leave it with saying I  
19 would hope that the council members that voted  
20 for or against this project based their decision  
21 on the information and evidence that was  
22 presented and not based upon how many people  
23 showed up at a meeting in favor of one side or  
24 the other.

25           Q.     Right. And I'm not asking for a

1 political science expert opinion. I'm saying  
2 Charles Rice's opinion. That's what I'm looking  
3 for here. The ENO president and CEO, although  
4 former, do you agree or disagree, quote,  
5 astroturfing is a serious threat to public  
6 discourse or public debate?

7 A. Mr. Coman, I'll just tell you the  
8 truth. I don't think that's appropriate for me  
9 to answer. And I could be getting myself in hot  
10 water one way or the other, but I just don't  
11 think it's appropriate for me to opine one way  
12 or the other.

13 But I will tell you and I will say it  
14 again. I'm sure this has occurred or occurs in  
15 other places. I don't know what the impact that  
16 it's had on other things, but there are  
17 politicians that pay people every election  
18 season to come out and wave signs in support.  
19 So, is that considered a detriment to public  
20 discourse? Is that considered where someone is  
21 attempting to lie to people and feign their  
22 support? That's not for me to say.

23 BY MR. COMAN:

24 Unless the investigators have  
25 any additional questions, this will

1                   conclude Mr. Rice's sworn statement.

2                               We thank you for your time.

3           [WHEREUPON THE SWORN STATEMENT WAS CONCLUDED]

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1                                   REPORTER'S PAGE

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3                   I, Leslie L. Nicosia, Certified Court  
4 Reporter, in and for the State of Louisiana, the  
5 officer, as defined in Rule 28 of the Federal  
6 Rules of Civil Procedure and/or Article 1434 (B)  
7 of the Louisiana Code of Civil Procedure, before  
8 whom this sworn testimony was taken, do hereby  
9 state on the record;

10                   That due to the interaction and the  
11 spontaneous discourse of this proceeding, dashes  
12 (--) have been used to indicate pauses, changes  
13 in thought, and/or talk-overs; that same is the  
14 proper method for a court reporter's  
15 transcription of proceeding, and that the dashes  
16 (--) do not indicate that words or phrases have  
17 been left out of this transcript; that any words  
18 and/or names which could not be verified through  
19 reference material have been denoted with the  
20 phrase "phonetically spelled."

21

22

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Leslie L. Nicosia, C.C.R.

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C E R T I F I C A T E

This certification is valid only for a transcript with my original signature and original required seal on this page.

I, LESLIE L. NICOSIA, Certified Court Reporter in and for the State of Louisiana, the "Officer" before whom this sworn testimony was taken, do hereby certify:

That CHARLES RICE, to whom oath was administered by me upon authority of R.S. 37:2554, did testify as herein set forth in the foregoing pages;

That this proceeding and testimony was reported by me in stenotype method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

That this transcript has been prepared in compliance with transcript format guidelines required by statute or rules of the Board, and I am informed about the complete arrangement, financial or otherwise, with the person or entity making arrangements for deposition services;

That I have acted in compliance with the prohibition on contractual relationships as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the Board;

That I have no actual knowledge of any prohibited employment or contractual relationship, direct or indirect, between a court reporting firm and any party litigant in this matter, nor is there any such relationship between myself and a party litigant in this matter;

That I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

\_\_\_\_\_  
LESLIE L. NICOSIA, CCR  
Cert. No. 95004

